The Southwestern
Social Science Quarterly

Vol. XXXII SEPTEMBER, 1951 No. 2

Actions of the Council of the Organization of American States Under the Rio Pact

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On September 2, 1947, at Rio de Janeiro, representatives of the American nations formulated and signed a mutual assistance and common defense agreement known as the Inter-American Treaty of Reciprocal Assistance. On April 30, 1948, at Bogota, the Charter of the Organization of American States was signed by representatives of the twenty-one American countries. This Charter was the cumulative result of fifty-eight years of Pan American endeavour. It consolidated "in a single cohesive organization what has heretofore been an abstract union of nations, and it is the first attempt to combine into a single instrument the many and diverse elements of international organization that have developed among the nations of the Western Hemisphere.[1] Together these treaties form "a harmonious whole guaranteeing the social, cultural, and economic progress of the Americas and at the same time the preservation of their independence, security, and sovereignty."[2] The best demonstration of the validity of Secretary Marshall's statement is to be found in the actions taken by the Council of the Organization of American States under the Rio Pact.

The Costa Rica-Nicaragua Case

On December 3, 1948, when Costa Rica deposited its ratification with the Pan American Union, the Inter-American Treaty of Reciprocal Assistance became effective.[3] It was a striking coincidence that a week later on December 11, 1948, the Costa Rican government requested the

[1]Address of Dr. William Manger, May 25, 1948. "The Results of Bogota", Lecture Series, Pan American Union., p. 21.

[2]Address of Secretary of State George C. Marshall, April 1, 1948, Department of State Pub. 3139, International Organization and Conference II, American Republics. p. 11.

[3]Article 22 provided that the Treaty would come into effect among the states ratifying as soon as the ratifications of two-thirds of the signatory states had been deposited. The Costa Rica adherence made the necessary two-thirds. For the complete text of the Treaty see "A Decade of American Foreign Policy", Sen. Doc. 123, 81st Cong., 1st Sess. pp. 421-426.

first invocation of the Treaty. In a letter to the chairman of the Council of the OAS the Costa Rican Ambassador to the United States charged that on the night of December 10 his nation's territory had been invaded by armed forces from Nicaragua. He stated that this invasion was aimed at the overthrow of the established government of Costa Rica and that Article 6 of the Rio Treaty was thus applicable. He requested an immediate meeting of the Council of the OAS to consider the situation. The letter refrained from charging the Nicaraguan government with official participation in the invasion, but stated that preparations had been carried on openly in Nicaraguan territory without any government hindrance.

In response to this request an extraordinary session of the Council was called by the Chairman, Ambassador Corominas of Argentina, on December 12.[4] When the Council met, the members were keenly aware of the gravity of the situation. The action and procedures of the Council would serve as precedents for any future settlement of controversies under the provisions of the Rio Pact. Some delegates believed that the dispute was not serious enough to warrant invocation of the machinery of the Treaty. The consensus was that the Costa Rican letter made it necessary to act in accordance with the Treaty's provisions. The delegates first considered Articles 3 and 6 of the Treaty. Article 3 provided:

> The High Contracting Parties agree that an armed attack by any state against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.[5]

Article 6 provided:

> If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.[6]

The decision was that Article 6 was the applicable provision. It then became necessary to consider the question of calling the Organ of Consultation to examine the problem and decide on a course of action. Artille 11 of the Treaty provides that consultations

> . . . shall be carried out by means of the meeting of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty.[7]

[4]*Department of State Bulletin*, June 5, 1940, Vol. 20, p. 707. Also Pan American Union Doc. 1736.
[5]"A Decade of American Foreign Policy", *op. cit.*, p. 422
[6]*Ibid.*, p. 423.
[7]*Ibid.*, p. 424.

Article 12 provided:

> The Governing Board of the Pan American Union may act provisionally as an organ of consultation until the meeting of the Organ of Consultation referred to in the preceeding Article takes place.[9]

The Council could call an immediate meeting of the Foreign Ministers. This would be a serious step and would cause complications and undue delay. Much faster action could be taken by the Council if it constituted itself as provisional organ of consultation. After considering these possibilities, a resolution was adopted postponing a decision for forty-eight hours during which time further information concerning the Costa Rican complaint would be obtained from all appropriate sources.[9]

The Council met again December 14 and on the basis of the information which had been acquired in the interim decided upon the following course of action:

1. To convoke the meeting of Consultation of Ministers of Foreign Affairs to study the situation existing between Costa Rica and Nicaragua, the place and date of the meeting to be fixed later.
2. The Council of American States to constitute itself Provisional Organ of Consultation as provided in Article 12 of the Treaty.
3. To authorize the Chairman of the Council to appoint a committee to investigate on the scene the alleged events and their antecedents.
4. To request all the American governments and the Secretary-General of the OAS to extend full cooperation to the work of the committee which should undertake its task immediately.[10]

Although the resolutions provided for the convocation of the Foreign Ministers as the Organ of Consultation, it is significant that the time and place for such meeting was to be fixed later. It was hoped that the Council, acting as the provisional organ of consultation, could settle the dispute and there would then be no need to call the Foreign Ministers. If the Council failed, or saw that it was likely to fail, it could then immediately set the time for the convocation of the Foreign Ministers.

The Council met as the Provisional Organ of Consultation on December 15 at which time the Chairman appointed a Committee of Information. The Committee was composed of the representatives of Brazil, Colombia, Mexico, Peru, and the United States. This group with their political and military advisers plus a secretariat furnished by the Pan American Union departed from Washinton by plane on December 16. They arrived in San Jose, Costa Rica the afternoon of December 17.[11] During

[9] *Idem.* Under the Bogota Treaty the Council of the OAS replaced the Governing Board of the Pan American Union and was authorized to serve provisionally as the Organ of Consultation. For the text of the Bogota Treaty see "A Decade of American Foreign Policy, *op., cit.*, p. 427-445. The Council serves as the permanent executive body of the OAS and is composed of one representative from each of the 21 American Republics. It is a continuous body which holds regular semi-monthly meetings.

[9] *Department of State Bulletin op. cit., p.* 708. Also Pan American Union Doc. 1742.

[10] *Idem.* Also Pan American Union Doc. 1789.

[11] *Department of State Bulletin, op. cit.*, p. 708-709

its two and one-half days' stay in Costa Rica the Committee consulted with President Figueres and the members of his Cabinet and interviewed private persons and officers of the so-called Caribbean Legion.[12] On the last day of their stay the Committee flew to the field headquarters of the Costa Rican Army, and heard testimony of Red Cross personnel, officers of the Costa Rican Army, and private individuals. The Committee was given complete freedom of action "and pursued its investigation with full acceptance on the part of the local government of the unlimited scope of its authority as an international investigating body."[13]

The Committee then spent two days in Managua, Nicaragua, where the Government gave them similar freedom of action and full cooperation. The Committee held conversations with President Reyes and his cabinet members; the members also interviewed former President Picado of Costa Rica and a leading officer of the invasion forces who had subsequently been interned by the Nicaraguan Government. A military adviser to the Committee visited the border region and interviewed persons who had participated in the fighting. The Committee left Managua on the morning of December 22 and arrived in Washington the next day. During the flight back to Washington the Committee members drafted their report for the Council. All decisions were by unanimous vote of the members.[14]

The Council of the OAS, acting as the Provisional Organ, met on December 24 in open session to hear the report of the Committee of Information and make recommendations for settlement of the case. The Committee's conclusions may be summarized briefly as follows: The armed force which invaded Cost Rica was organized principally in the territory of Nicaragua. The Nicaraguan Government did not take adequate measures to discourage the revolutionary activities and did not prevent the main body of the revolutionaries from entering Costa Rican territory. No evidence was found that the armed forces of Nicaragua had participated in the invasion or had came in contact with the Costa Rican armed forces. The Committee believed that military elements in Nicaragua had given technical assistance and advice to the invading force. The Costa Rican Government had given facilities, materials, and moral support to the Caribbean Legion whose programs and activities were directed toward the overthrow of certain Governments including the Nicaraguan regime. The harboring of such military

[12]The Caribbean Legion was an organization of exiles alleged to be plotting the overthrow of their home governments. Among the officers interviewed were exiled citizens of Nicaragua.

[13]*Department of State Bulletin, op. cit.*, p. 709.

[14]For a detailed account of the activities of the Committee in Costa Rica and Nicaragua, see *Department of State Bulletin op. cit.*, p. 709-710.

centers of international agitation was dangerous to American peace and a matter of justifiable concern to the Governments threatened.[15]

After a discussion of this report, the Council took the following action: (1) Requested the Governments of Costa Rica and Nicaragua to abstain from any kind of hostile acts towards each other. (2) Informed the Government of Nicaragua that it could and should have taken adequate measures to prevent the organization on its territory of the forces which were aiming at the overthrow of the Cost Rican government. (3) Informed the Government of Costa Rica that it should take steps to rid its territory of those groups of nationals or aliens which were organized on a military basis for the purpose of conspiring against the security of Nicaragua and other American Republics. (4) Requested both governments to observe the principles and rules of non-intervention and solidarity contained in various inter-American treaties. (5) Resolved to continue in consultation until the dispute had been completely settled on the above principles.[16]

In addition to the above action the Provisional Organ provided for the establishment of a committee of military experts composed of not more than three representatives from each of five member states. This committee, composed of representatives of Brazil, Colombia, Mexico, Paraguay, and the United States, was instructed to proceed immediately to Costa Rica and Nicaragua to give assistance to these governments in carrying out the resolutions; and to report any violations of the Council's recommendations. The members of the Committee successfully carried out their mission during the two months they spent in Nicaragua and Costa Rica. In a report of January 31, 1949, the Committee "expressed the view that the official measures taken by the Costa Rican and Nicaraguan Governments in pursuance of the December 24 resolutions were sufficient to comply with the terms of the resolution."[17]

As a result of this report the Provisional Organ of Consultation established a Committee, including representatives of Costa Rica and Nicaragua, to draw up a draft pact as a means of formally terminating the dispute. This resulted in a Pact of Amity which was signed at the Pan American Union on February 21, 1949, by the Nicaraguan and Costa Rican Ambassadors on behalf of their governments. By this Pact the two Governments agreed to prevent such controversies in the future and to submit any disputes to pacific settlement in accord with inter-American agreements. They also agreed to negotiate an accord as to the best internal measures to be taken to prevent border violations and revolutionary activities.[18]

[15] *Ibid.* p. 710-711. Also Pan American Union Doc. 1918.
[16] *Annals of the Organization of American States*, 1949, Vol. 1, No. 2, p. 205-206.
[17] *Department of State Bulletin, op. cit.*, p. 712.
[18] For the text of the Pact see *Annals of the Organization of American States, op. cit.*, p. 204-205.

On the day the Pact of Amity was signed, the Provisional Organ of Consultation passed a resolution officially terminating the work of the Council as the Provisional Organ of Consultation. The resolution also revoked the call for a meeting of the Foreign Ministers and dissolved the Military Committee.[19]

Thus was terminated peacefully a controversy which could have developed into an armed conflict between two American states. The Council could well designate its prompt and effective action as a "noble act of American solidarity and of respect for peaceful solution as a new and lofty example for all the peoples of the continent."[20]

The Haiti-Dominican Republic Cases

Prior to the signing of the Pact of Amity between Costa Rica and Nicaragua, the Council of the OAS was again requested to act as the Organ of consultation under the Rio Pact. In a letter to the Chairman of the Council dated February 15, 1949, the Haitian Government charged the Dominican Republic with moral aggression and asked for an immediate convocation of the Council as the Organ of Consultation. The note alleged that the Dominican Government had given asylum to and was supporting the activities of Astrel Roland, a former colonel in the Haitian Army. Roland was charged with plotting the overthrow of the Haitian Government.[21] In a special session held on February 23, the Council heard statements from the representatives of the two Governments. The facts presented indicated that the dispute could be settled by peaceful measures provided for in existing Inter-American treaties. On February 25, the Council adopted a resolution "to refrain, under the circumstances, from convoking the Organ of Consultation."[22] The two Governments then placed the matter before the Inter-American Peace Committee for settlement.[23] Action by the Peace Committee resulted in the Dominican and Haitian Governments adhering to a Joint Declaration, June 10, 1949, in which the following pledge was made:

> That they do not and will not tolerate in their respective territories the activities of any individuals groups, or parties, national or foreign, that have as their object the disturbance of the domestic peace of either of the two neighboring Republics or of any other friendly nation.[24]

[19] *Ibid.*, p. 209-210.
[20] *Ibid.*, p. 210.
[21] *Ibid.*, p. 218.
[22] *Ibid.*, p. 219.
[23] The Inter-American Peace Committee had its origin in a resolution of the Second Meeting of the Ministers of Foreign Affairs of the American Republics, Habana, 1940. This resolution may be found in "A Decade of American Foreign Policy, *op. cit.*, p. 411. For the work of the Peace Committee see *Department of State Bulletin*, Feb. 20, 1950, vol. 22, pp. 280-281.
[24] *Department of State Bulletin*, June 26, 1949, Vol. 20, p. 833.

Regardless of this pledge, the Dominican Government continued to permit Roland to pursue activities aimed at the overthrow of the Haitian Government. During November and December 1949, the Haitian police uncovered and successfully suppressed an armed conspiracy against the Haitian Government. As a result of this abortive plot, the Haitian Government on January 3, 1950, for the second time invoked the Rio Treaty against the Dominican Republic. The Haitian Government charged that officials of the Dominican Republic had aided Roland in the preparation of a plot to overthrow the Haitian Government, and that the territorial integrity, sovereignty, and political independence of Haiti was endangered and the peace of America threatened. On January 6, 1950, the Council met in special session to consider the Haitian invocation of the Treaty. The Haitian representative elaborated the charges made by his Government. In reply the Dominican representative read a formal paper in which he categorically denied the Haitian accusations. He then asked the Council to apply the Rio treaty against Haiti and other Caribbean nations because of their toleration and support, over a considerable period of time, of activities hostile to his Government.[36]

Acting under the precedents which had been established by the Costa Rica-Nicaragua case, the Council took the following actions: constituted itself as the Provisional Organ of Consultation as provided in Article 12 of the Rio Treaty; called for a meeting of the Ministers of Foreign Affairs, with the time and place of the meeting not specified; authorized the Chairman to appoint an investigating committee to determine the facts upon which subsequent decisions of the consultative organ would be based.[37]

After the Chairman had selected as members of the Investigating Committee the representatives on the Council of Bolivia, Colombia, Ecuador, Uruguay, and the United States, the Council met as the Organ of Consultation on January 11. At this meeting it was decided that the Organ of Consultation should take up the Haitian and Dominican charges as separate cases. This was done to facilitate the work of the Investigating Committee and also to make possible a larger voting participation. Under Article 18 of the Rio Treaty "the parties directly interested shall be excluded from the voting" when the Organ of Consultation is considering a situation or dispute between American states.[38] By separating the cases, the Council was able to designate Haiti and the Dominican Republic as the only interested parties to "Case A" and thus allow all the other eligible members of the Council to participate in the decisions to be made under that case. By considering the Domi-

[36] *Department of State Bulletin*, July 3, 1950, Vol. 23, p. 19.
[37] *Ibid.*, pp. 19-20.
[38] "A Decade of American Foreign Policy," *op. cit.*, p. 424

nican charges as "Case B", the Council was able to designate the Dominican Republic, Haiti, and Cuba as the Governments directly interested.[28] The Organ also approved the Investigating Committee's *Bases de Actuacion,* the document which described in detail the powers and functions of the Committee. The Committee was charged with conducting on the spot investigations and authorized to hear witnesses, receive depositions, and use all available sources of information.[29]

After several meetings in Washington, where it heard representatives of the Governments involved in the cases, the Investigating Committee flew to Haiti to begin its on the spot investigations. During the ensuing three weeks the Committee also visited the Dominican Republic, Cuba, Guatemala, and Mexico. The Committee received the full cooperation of the Presidents and high officials of the countries visited and was given complete freedom to interview witnesses and gather information. The Committee's report was submitted to the Provisional Organ of Consultation at a special session on March 13, 1950. At this meeting the consultative organ decided to give three weeks for the governments to examine the reports and prepare any changes which they wished to make.[30]

The Committee's report dealt first with "Case A", the Haitian charges. The Committee found that the failure of the Dominican Government to prevent the activities of Roland and others which had as their aim the disturbance of the peace of Haiti was in violation of the Joint Declaration of June 9, 1949. Officials of the Dominican Government had encouraged and aided Roland in the preparation of his abortive plot to overthrow the Haitian Government. The complexity and scope of the charges in the Dominican case prevented the Committee from analyzing each complaint in detail. In the three situations which formed the main basis of the Dominican charges, the Committee found that the Governments of Cuba and Guatemala had tolerated and, in some cases, supported activities within their territories which were aimed at the overthrow of the Dominican Government. The Committee also found that various groups of political exiles were currently engaged in revolutionary activities and were receiving encouragement and support of governmental authorities. The existence of such elements in the Caribbean nations constantly endangered the peace of the Americas.[31]

[28]Although the Dominican Government had made charges against several of the Caribbean nations, the Dominican representative had stated that only Haiti, Guatemala, and Cuba were regarded as parties to the dispute. Since Guatemala had not ratified the Rio Treaty, she held no voting right. *Department of State Bulletin,* July 3, 1950, Vol. 23, p. 20.

[29]*Ibid.,* p. 21.

[30]*Idem.*

[31]The complete report of the Investigating Committee has been issued by the Pan American Union as Document C-I-67.

On April 3, 4, and 5, the consultative organ gave formal consideration to the report and recommendations of the Investigating Committee. At these meetings representatives of the various governments were heard and amendments were made to the draft resolutions proposed by the Invetigating Committee. On April 8, the Consultative Organ completed its work and embodied its decisions in a group of nine resolutions. These decisions may be summarized as follows: (1) Requested the Dominican Republic "to take immediate and effective measures to prevent government officials from tolerating, instigating, encouraging, aiding, or fomenting subversive or seditious movements against other Governments."[32] (2) Requested both the Dominican and Haitian Governments to comply strictly with the Joint Declaration of June 9, 1949, and to make every effort "to avoid the continuation of any systematic and hostile propaganda . . . against each other or against other American countries . . ."[33] (3) Asked the Governments of Cuba and Haiti to take measures that would prevent the existence in their territories of armed groups conspiring against other nations; also effective action should be taken to prevent acquisition of war materials by such groups. (4) Requested the Governments of Cuba, Guatemala, Haiti, and the Dominican Republic to adhere strictly to the principles of non-intervention and "to make every effort . . . to avoid any systematic and hostile propaganda . . . against one another, or against other American countries . . ."[34] (5) Provided for the appointment of a special provisional committee of five members which would "place itself at the service of the interested Parties to facilitiate compliance" with the Resolutions.[35] (6) Recommended that the Council of the OAS, through its component Organs, undertake studies of the following subjects: (a) the possibilities of stimulating and developing the effective exercise of representative democracy; (b) the strengthening and perfecting of the Habana Convention of 1928 on the Duties and Rights of States in the Event of Civil Strife; (c) rules for political exiles and refugees. (7) Cancelled the convocation of the Meeting of Ministers of Foreign Affairs. (8) Terminated the provisional action of the Council as the Organ of Consultation.[36]

With the adoption of these Resolutions the Council for the second time demonstrated its ability to operate successfully as an agency for the peaceful settlement of major controversies among American states. No machinery for the peaceful settlement of international disputes, however efficient and prompt in action, can prevent armed conflict

[32]"Peace in the Americas", Department of State Publication 3964, International Organization and Conference II, American Republics 6, p. 9.

[33]*Ibid.*, p. 9-10.

[34]*Ibid.*, p. 11.

[35]*Ibid.*, p. 12.

[36]The complete text of these Resolutions may be found in "Peace in the Americas", *op. cit.*, pp. 8-11.

unless the states involved are willing to submit their controversies and to abide by the decisions reached. In the disputes handled by the Council many of the issues touched upon sensitive political problems which involved national sovereignty and territorial integrity. It is significant that all parties to these disputes willingly cooperated with the Council in its investigations and accepted the decisions reached.

UNESCO: Product of Contradictions

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UNESCO, born into a world of confusion, has continued a child of confusion. In 1945 there were disagreements on many issues basic to UNESCO's existence. Today these have not been resolved; rather, new questions have been added. Absolute agreement within such a sphere as UNESCO's is impossible, and perhaps some sincere differences are healthy. Yet, there are certain areas where we must find accord if we are to find progress. The continuing lack of agreement, even within UNESCO, as to its true purpose or the methods for achieving it stands as a distinct barrier.

Our purpose here is to examine UNESCO's role in strengthening the United Nations. Looking back to the period of 1945-46, we discover that the intellectuals, leaders in the "resistance movements" of World War II, emerged as the leaders of nations at the end of that war. It is worthy to note here that Hitler recognized such persons as the foremost enemies of his New Order and aimed at their conversion or removal. The extent of their victory is illustrated by the subsequent careers of such men as Bidault and de Gasperi.

Coupled with this fact was deep concern among the world's intellectuals for the success of the new United Nations organization. There was great emphasis then on the necessity for the development of a "world community." The promotion of understanding through the basics—education, science, and culture—was seen as indispensable to the political structure. Thus great hopes heralded UNESCO as the "spearhead of the United Nations."

The United Nations Educational, Scientific, and Cultural Organization is an independent specialized agency. One of ten doing work designed to further the cause of world peace, it is related to the United Nations through the Economic and Social Council. The purpose of this council, which is one of the organs of UN, is to relate the activities of the specialized agencies, of the parent organization, and of the member states. It wields no power directly, but is a liaison and advisory organ.

The working arrangement between UNESCO and UN is defined in a formal Agreement. Although neither has any control over the other, each agrees to consult and advise with the other on appropriate matters. Representatives from each organization are invited to attend deliberations of the other. Participation here is in discussion only, for such representatives are without vote. Copies of pertinent documents are regularly distributed mutually. The budgetary relationship is an important one. The UNESCO budget proposal is submitted annually to the General

Assembly for such suggestions as may be made. The United Nations agrees to solicit and distribute funds for projects initiated through its suggestion. This applies whether the project is to be carried out by UNESCO alone or cooperatively with others of the specialized agencies. A recent illustration of this arrangement is in the Technical Assistance Program—UN's implementation of President Truman's "Point Four" proposals. For this, UN received from its member nations $20,012,500 in June, 1950; and 14% was allocated to UNESCO to use in carrying out its share of the work.

With regard to program activities, the relationship is a similar one. Procedure for exchange of recommendations between UNESCO and the General Assembly, through the medium of the Economic and Social Council, is established also in the Agreement. Further, UNESCO may request participation of other specialized agencies in any project wider than its own competence. The independence of the agencies must be remembered here. Although requests and recommendations are exchanged through formally-established procedure, there is no control relationship at any point. UNESCO had this fact brought forceably home in Haiti. Cooperation in the Marbial Valley Pilot Project from the World Health Organization was obtained only reluctantly and from the Food and Agriculture Organization not at all. Participation by both was considered essential to the success of the undertaking.

Before UNESCO can make any effective contribution to a stronger UN, it must find a direction for itself. The confusion apparent to any investigator into UNESCO is sad testimony to a failure to do this. Byron Dexter, writing late in 1949, felt that he could fairly call UNESCO "that organization in search of a purpose" and state that its "work is at an extreme pitch of confusion."[1] The basic reason for this confusion is UNESCO's failure to establish a working philosophy, a standard by which to measure its projects.

The first Director-General, Julian Huxley, addressed himself at length to the problem of a philosophy for UNESCO. He concluded that there are many things UNESCO must not do in formulating standards to work by. It cannot accept any one theology as opposed to others. Similarly, no one politico-economic doctrine or one philosophy or outlook on life can be espoused. Further, he maintains, UNESCO cannot ally itself with any class theory of society or other-worldy outlook. Finally, it cannot accept the idea of the importance of the state over the individual. Dr. Huxley's last statement gives rise to an important question. Is he not, in refusing the philosophy of the importance of the state, immediately adopting one of the world's politico-economic

[1]Byron Dexter, "Yardstick for UNESCO." *Foreign Affairs*, Vol. 28, No. 1 (Oct., 1949), pp. 57-58.

doctrines and a widely-accepted but not universal philosophy of life—both things which he earlier asserted must not be done? And in refusing an other-worldly outlook, is he not accepting the religious doctrine of a part of the world's people? In essence, Dr. Huxley tries to exclude various general lines of thought and then turns to exclude specifics that they also exclude. In other words, he accepts fundamental concepts of some of them.

The positive philosophy that he evolves is one of evolutionary, world-wide, scientific humanism.[2] Can this be completely separated from all of the elements he previously has forbidden? Is this not an acceptance of basic elements of certain philosophies, religions, and politico-economic theories? Even though this is not in the name of any one or the complete acceptance of a particular doctrine *per se*, will not the effect on all peoples of opposing beliefs be just as great as if it were?

The ideas expressed by Dr. Huxley never became an official UNESCO philosophy. In fact, so far as records show, the matter has never been brought up, except in general remarks by individual delegates to the General Conference. Mr. Jaime Torres Bodet, who succeeded Dr. Huxley in December 1948, presented his beliefs as to what UNESCO had as goals and where it should be heading. For his purposes, UNESCO's philosophy would be adequate if it provided:

> respect for freedom, the renouncing of violence, unconditional preference for peace founded on justice, as opposed to war as an instrument of hegemony, the conviction that man is not a means but an end, the condemnation of all sexual, racial, linguistic, social, or religious discrimination, and similar universal standards.[3]

Assuredly, these do not measure up to the negative restrictions laid down by Huxley, but Torres Bodet does not accept or establish any such requirements for his philosophy. Torres Bodet provides a much more practical basis for measuring UNESCO activities; he turns aside from broad philosophical issues to a simple "yardstick." For each proposal his acceptance is determined by the answers to three questions:

1. Will it promote the welfare of the people?
2. Will it enlist the cooperation of intellectual leaders?
3. Will it produce tangible results in the next few years?

Although the concepts of both men are doubtless very worthy, one fact stands out in each instance: neither emphasizes the importance of UNESCO as an aid to the United Nations. UNESCO apparently tends to become an end in itself; and the achievement of peace is to come through UNESCO, not the United Nations. Huxley does recognize that we must educate the peoples of the world to the implications of

[2]Julian Huxley, *UNESCO: Its Purpose and Its Philosophy*, pp. 6-12.
[3]Jaime Torres Bodet, "Inaugural Address." *Report of the United States Delegation to the Third Session of the General Conference of UNESCO*, p. 94.

the transfer of full sovereignty to a world political unity, but he does not include this as an element in the basic philosophy he prescribes.

One factor that has rendered impossible the adoption of an effective working concept is the East-West ideological conflict. Russia has not joined UNESCO. Although Russia agreed to Articles 55 and 56 of the UN Charter, which recognized the purposes of the other organization, she has sensed the potentiality of UNESCO as an opinion-molder and has consistently tried to weaken its work. Probably her most effective effort toward this end is a by-product. Every time a new program activity or policy is introduced for consideration by the Secretariat, Executive Board, or General Conference, one eye is kept on Russia. The effect each will have on her, and on her willingness to come into the organization, is carefully calculated. This factor has strengthened the tendency toward nationalism rather than diminished it, for through these actions UNESCO is consciously honoring nationalism as above its own purposes. Russian reaction has been what might have been expected: she takes the attitude that, because UNESCO has refused actively to espouse the doctrines of Communism, it is deliberately opposed to them and thus pro-Western in its work.

The United States is one of the leading members of UNESCO, from a number of points of view. This includes, as one might expect, the financial aspects; for the United States has contributed about 40% of all of UNESCO's funds in the past. Also the United States was the first country to establish a National Commission for UNESCO and has been a leader in programs for getting UNESCO to the people. The reaction of other member nations here has not been what a guileless United States had expected or hoped. Other nations have alleged that the extraordinary participation of this country is due solely to the desire to extend its culture and beliefs throughout the world. In part, there is justification for the accusation: American enthusiasm for our way of life has made us assume that all the world would be happy with a similar way. Nevertheless, charges that "cultural imperialism" is the motive behind US membership in UNESCO go beyond the justification. One illustration will perhaps clarify this point. In the development of mass media of communications, the United States, as the nation farthest advanced in the field, came forward eagerly with offers for such assistance as it could best provide. Because of the fear of the spread of "Hollywood culture," assistance of a *technical* nature was gently laid aside.

The work, indeed the very existence of UNESCO, is conditioned by a number of paradoxes. The resolution of these, in such cases as it is possible, will provide us with some answer to our question, "Can UNESCO strengthen the United Nations?"

The United Nations Educational, Scientific, and Cultural Organization was hailed at the outset as he one world organization that was to work

with individuals rather than governments. The plan was, as many saw it, to educate the peoples of the world to such a degree of understanding of all of mankind and his problems that popular opinion would prevail upon the governments of the world in opposition to war. This reasoning, of course, overlooks one vital fact. In order to educate people so, the agreement of national governments must first be obtained. The minds of men are still considered by many governments to be entirely within domestic jurisdiction. School systems of the member nations are financed and thus controlled entirely from within. Thus UNESCO is dependent upon the nations for an effectuation of its program, and 45 of the 59 had established national commissions as of October, 1950.

The dependence of UNESCO on national governments is well pointed up by the defection of Russia, and the fact that this has weakened the organization. The Third Annual Session of the General Conference (1948) witnessed an unfortunate occurrence demonstrating the same thing. Immediately after the Beirut conference was called to order, delegates of the Arab League nations demanded the exclusion of Jewish observers. Finally this was settled by the refusal of the Jewish representatives to attend or submit Israel for membership. It was a year later that Israel became a member state. Poland, Czechoslovakia, and Hungary did not send delegates to Beirut on the basis that they could not visit a *country* "that violates the decisions of the United Nations."

The broad programs of UNESCO can be effectuated only by the nations. Witness the agreements that have been prepared by the organization as covenants for member states. These are to carry out the provisions of "The Declaration of Human Rights," the "Statement on Race," the recommendations regarding copyright laws, and for the free flow of audio-visual materials, to mention only a few.

A second hurdle thrown up in UNESCO's path is the difficulty of overcoming problems beyond its competence. In some measure this grows out of its dependence on national governments, but it evolves other specifics as well. Perhaps this factor can best be discussed through illustration. The pilot project undertaken in Haiti's Marbial Valley was to spread fundamental education and, through experimentation, to develop methods to be used by others for the same purpose. Immediately, the project team discovered that literacy was unimportant in the face of starvation and epidemic disease. Although the team has stubbornly clung to its goal and has accomplished appreciable good, there are many who today write it off as failure. And to the extent that this project has failed, it has been due to factors about which UNESCO could do virtually nothing. We are forced to recognize, then, that before education can be used as an aid to raising living standards in some areas of the world, these very standards must first be improved.

The goal of UNESCO is to construct the defenses of peace in the

minds of men. Education has been the basic method for doing this. However, education *per se* is not necessarily conducive to peace. We continue to look upon education as a cure-all. The spread of education, the advancement of cultures, and the increase of scientific knowledge have thus tended to become ends in themselves. As Max Salvadori has recently pointed out, the goals of peace cannot be achieved by tools that of themselves are neither ethical nor unethical. Education and knowledge need to be qualified, and "the qualification simply is not there." There are several causes for this. Within UNESCO itself, opposition—growing out of the inability to agree on *what* the qualification should be—makes it impossible. The good goal of "mutual understanding" can be readily agreed upon, but this agreement rapidly disappears when tolerance of all cultures is introduced as a practical implication. In order for its educational services to be accepted by the nations, they must then be free of indoctrinary tendencies, unconcerned with politics.

But, as Byron Dexter, Max Salvadori, and Sarvepalli Radhakrishman point out, "UNESCO must concern itself with politics," if the education it provides is to contribute to attaining its goals. Thus UNESCO faces two irreconcilable requirements that must each help to determine its program and method.

Finally there is the paradox of an organization to attain peace but which is dependent for its effectiveness on the existence of peace. The UNESCO pilot project in China was a disappointment—if not a failure—because the war situation there made even a location for it impossible. The nature of the activities UNESCO is to carry on make peace an essential; for, all worthy proclamations to the contrary notwithstanding, man cannot be too concerned with his or his fellow's mind when each is seeking the life of the other. At best, the procedures that UNESCO uses place results far into the future. Do not mistake this statement: that is the way UNESCO is supposed to work, for building the defenses of peace in the minds of men is assuredly no assembly line task. Milton Eisenhower realistically stated in 1947 that UNESCO could not succeed if war came "within two or three years; but if war were delayed for ten years or more "UNESCO might tip the scales for peace." But will UNESCO have this chance? As Radhakrishnan put it at the Florence session in 1950, "Events are in a hurry."

What then of UNESCO's role in strengthening the United Nations?

Essentially the question becomes: which organization is really dependent upon the other? For this question there must be two answers:

1. For the present, UNESCO must rely upon the United Nations to maintain a climate within which it can work. This is not to say that UNESCO cannot make any immediate contributions to the larger organization, but until UNESCO has had time to find itself and reap the harvest of its forcedly-long season, its contributions can only be indirect.

At the risk of drawing parallels unhappy for today, Dexter opines, "Surely there is little reason to believe that UNESCO would survive the UN longer than the International Institute for Intellectual Cooperation survived the League."[4]

2. After Dr. Eisenhower's ten years, or perhaps a longer time, UNESCO should have a very important contribution to make toward a *strong* United Nations. This will be dependent, however, on the answers found for the problems examined above; and we cannot today forecast these answers. A realistic view now can only be pessimistic. But, should the proper answers be found, UNESCO will then have a valuable prize indeed: the power of men's minds marshalled for a positive peace.

[4]Dexter, *op. cit.*, p. 67.

The Geography of the Coastal Zones of Georgia

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The most outstanding thing about the region known as the Atlantic Coastal Plain of Georgia is that it is a lowland of new marine deposits rising evenly in successive terraces from the coast. No cuesta belts or other features interfere with the evenness of the terraced ascent, and the hard rock formation beneath the sediments slopes evenly out toward the sea and seems to be entirely free of crustal faults.

In a like manner the pattern of human occupance is arranged in zones paralleling the coast with a slow and even gradation from one economic and social emphasis to another in the transit from the shore to the highlands at the west.

The length of the coastal side of the region is approximately 125 miles, extending from the mouth of the Savannah River to the mouth of the St. Mary's River at the Florida boundary. This coast forms a slightly concave line, and the two newest, most seaward terraces are bowed slightly about the curving coast. Inward from these the remaining terraces widen out toward the south so that the terrace zone is almost twice as wide at the Florida boundary as it is at the northeastern or South Carolina border of Georgia. Inland from the oldest marine terrace is a more or less maturely dissected upland known in various places as the Louisville Plateau, the Sand Hills, the Red Hills, and the Fall Line Hills. Near the South Carolina border the terrace zone extends in from the coast approximately 100 miles and the hill zone is about one-fourth as wide. In the south central and western part of the state where the Atlantic Coastal Plain joins the Gulf Coastal Plain both are proportionally wider.

Four zones, between the coast and the Fall line, can be defined physiographically and geographically. Named from the coast inland they are, first, the Atlantic Coast Flatwoods; second, the Lower Coastal Plain; third, the Upper Coastal Plain; and fourth, the Sand Hills.

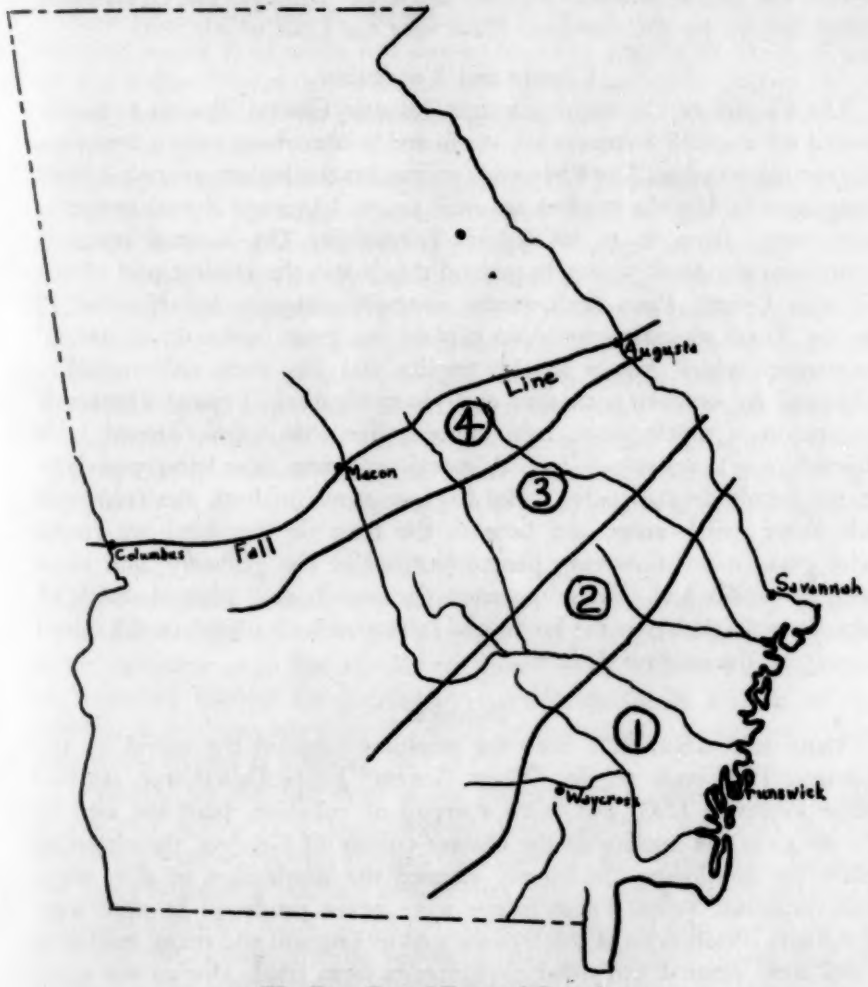
I

The Atlantic Coast Flatwoods is the most distinctive of the four zones. It is the least agricultural; has the most unusual products; and displays the greatest lack of uniformity in population distribution.

The zone consists of three, and in some places four, late Pleistocene terraces. The Sea Islands, which rise 15 or 20 feet, are at the level of the youngest terrace and have been separated from the mainland by a slight submergence which drowned the passageways. In some places these passageways are salt marshes such as the celebrated "Marshes of

Glynn" of Sidney Lanier's poem. In other places they have been scoured out by tidal currents and form channels. These are the numerous navigable rivers of tidewater Georgia as well as the lagoons, some of which have been artificially deepened to form a portion of the Intracoastal Canal which extends from New York to southern Florida. There is much marshy country and a considerable area of lagoons and salt water flats between the Sea Islands and the mainland. However, the islands themselves are high and dry and are bordered on the ocean side by fine sandy beaches and occasional high dunes.

Inland from the salt marshes the surface rises very gradually into typical coastal flatwood country. This is a wooded, poorly drained strip



The Four Coastal Zones of Georgia

1. Flatwoods Region
2. Lower Coastal Plain
3. Upper Coastal Plain
4. The Sand Hills Belt

of land 100 miles or less in width which borders the coast from northern Florida through Georgia north into the Carolinas. The soil, except in swamps and stream lowlands, is mostly grayish fine sandy loam of late Pleistocene marine origin. Shallow swampy basins called "bays" occupy many square miles of this strip and are scattered widely from the seaward to the landward margin. In the extreme southwestern corner of this strip, and located partly in Georgia and partly in Florida, is Okefenokee Swamp at an altitude of about 120 feet above sea level. The water is prevented from draining into the Atlantic by Trail Ridge, a former coastal bar the crest of which is 55 feet above the swamp. This ridge, 2 to 4 miles wide, which gradually declines and disappears to the north, is here the divide between Atlantic and Gulf drainage, the Okefenokee being drained by the Suwanee River into the Gulf of Mexico.

Climate and Vegetation

The climate of the entire Georgia Atlantic Coastal Plain is typically humid subtropical. Summers are warm and winters have only a few days of freezing weather. The Flatwoods region has the highest average annual temperatures, but the smallest seasonal range. (Average annual temperatures range from 66 to 69 degrees Fahrenheit. The seasonal range is approximately 30 degrees.) In general this is also the rainiest part of the Georgia Coastal Plain with annual averages running slightly over 50 inches. These climatic conditions explain the great profusion of natural vegetation which grows in this region and has been only partially displaced by contact with man and his civilization. Typical Flatwoods vegetation is tupelo gum, bald cypress, live oak (often draped with Spanish moss), water oak, bay, Palmetto, and pine, (the latter especially in the better drained parts.) Marsh grass grows in both the fresh and salt water marsh areas, and beneath the trees on dry land are found wire grass, many flowering plants, bushes like the gallberry, and vines such as smilax and wild scuppernong grapes. Today, planted stands of pine (largely slash) on the knolls and interstream areas replace the mixed woods of the original forests.

Products

Many and varied have been the products supplied the world by the Georgia Flatwoods region. When General James Oglethorpe reached these shores in 1733, and, with a group of colonists, built the city of Savannah as the nucleus of the charter colony of Georgia, the elaborate plans for developing the colony stressed the production of silk, wine, and medicinal herbs. These things were never produced in significant quantities although some silk was shipped to England and many mulberry trees were planted and other experiments were tried. During the early colonial period indigo, rice, corn, potatoes, peas, and wheat were produced. Cotton was grown along the coast and on the Sea Islands as early

as 1738. The original Sea Island cotton was brought to the "Golden Isles" of Georgia from the West Indies shortly after the American Revolution. It was grown only in these lowland regions of Florida, Georgia, and South Carolina. After the boll weevil made its appearance about 1916 the cultivation of Sea Island cotton had to be completely abandoned. The wet climate necessary for growing the long lint is also ideal for the propagation of the boll weevil and these insects for a number of years completely destroyed the crop. Today Sea Island cotton is not grown in the Flatwoods.

Although upland cotton was one of the early crops and continues to be an important source of farm income, the Flatwoods has never been a major producing area. By the third and fourth decade of the nineteenth century, major production had moved into the interior of the state and of the nation. Today, the counties of the coast produce practically no cotton, while those at the inner margin of the belt produce small amounts on their drier soils.

Thick forests have always been typical of the Flatwoods region. Today the counties on the outer edge are forested 70 to 80 per cent or more. The use of the cultivated land is divided between potatoes and truck crops, forage crops (mostly corn and peanuts), pecans and fruits (especially grapes), and pasture for livestock. The inner counties grow about the same variety of crops with the addition of some tobacco and more cotton. From the forests come pine lumber, veneer wood, and large amounts of pulp wood, turpentine, gum, and resin. This area leads the world in the production of naval stores. Fishing yields yet another group of products of considerable value. Shrimp, crabs, clams, and oysters are obtained from the shallow waters off the coast and in the many lagoons.

Cities and Population

The population of the Flatwoods is concentrated mostly in a few small areas. Three of the five largest Georgia cities of the Coastal Plain are in this seaward zone. But outside of these cities and their small clusters of suburban villages the population is very sparse. In a third of the counties it averages less than 10 people per square mile and in only four out of the fifteen is it above 30.

Savannah, up the Savannah River 20 miles from the mouth, is the largest city with a 1950 population of about 120,000. Although characteristically conservative, steeped in history and romantic legends, Savannah is today a bustling commercial city. It has a good harbor and excellent highway, air, and rail connections, and it is one of the busiest ports on the South Atlantic seaboard. Besides handling much general cargo it is the world's chief seaport for the export of naval stores. Two of its important manufacturing industries, sugar refining and commercial fertilizer manufacturing, depend on the cheap importation of bulky

raw materials, while others such as kraft paper manufacturing, turpentine distilling, and kaolin refining, are based on the processing of local materials.

Brunswick is the second largest port and is located 80 miles south of Savannah on one of the major sounds which penetrate the chain of sea islands. Like Savannah, it exports gum turpentine, cotton, and lumber, and it manufactures cellulose products, paper board, and veneer; and cans and freezes shrimp and oysters. Brunswick, with a warm and unusually equable climate, has considerable importance as a resort city and is close to the well-known ocean resorts of Sea Island and St. Simons Island.

Waycross is an inland lumber and naval stores market. Although on the edge of the Okefenokee Swamp it has a population of 20,000. It owes its importance to the marketing and processing of lumber, naval stores, furs, honey, tobacco, and pecans, and it is also a point of convergence for highways and railroads.

In these three cities and in tiny hamlets are found most of the people of the Flatwoods region. Completely lacking are the small towns of from 5000 to 15,000 population so typical of the remainder of Georgia.

II

The second zone from the coast is the Lower Coastal Plain. It is distinguished chiefly from the Flatwoods by a higher elevation and superior drainage. Geologically it is made up mostly of the Brandywine and Coharie marine terraces, the two oldest and most extensive terraces of the southeast coast. The greater age and partially mature drainage of the Lower Coastal Plain make this region slightly more rolling than the Flatwoods. Again, in contrast to the latter region, in place of swamps and "bays" it has myriad water courses. These include larger ones like the Savannah and Altamaha rivers and, their tributaries, some so small that they drain little swales and depressions of a few acres. The quality of the soil is largely determined by its location with respect to drainage. Black or muck soil is found in river bottoms or at stream margins. Much of the area is covered with light-colored sandy loam and belongs to the series on which the great trucking industries of the Atlantic Coastal Plain have been developed. Some of the flat ridges are sandy and of value merely for growing timber, but in the higher interstream areas are found patches of darker soil which are better supplied with the mineral elements needed for plant growth.

Climate and Vegetation

The mean annual temperature of a station centrally located in the Lower Coastal Plain belt is 66.5 degrees Fahrenheit. The average annual precipitation is 47.55 inches. The seasonal range is 32 degrees as measured by an average July high of 82 degrees and a January low of 50 degress

Fahrenheit. There is more variability of the climate from day to day and also from year to fear than in the section nearer the coast. Ordinarily most of the rainfall comes in the summer during the months of June, July, and August.

The vegetation is similar to that of the Flatwoods. The palmetto is seldom found, but the pine is even more generally distributed than it is in the lower region.

Products

The products of the region are almost entirely from the forests and fields. In a typical county the forest area totals 65 per cent, of which approximately five-sixths is longleaf, slash, and loblolly pine, and the remaining one-sixth is hardwood and cypress. In this county income from forest products, mostly naval stores, amounts to about half the amount that is brought in by each of the two leading crops—tobacco and peanuts. The crop of third importance is cotton. Although it was once the major crop, few of the Lower Coastal Plain counties now devote much acreage to cotton. In recent years the most significant development in the Lower Coastal Plain has been the increased production of livestock and the income received therefrom exceeds that of any field crop.

Population

Both the average population per square mile and the farm population per square mile are higher in the Lower Coastal Plain than they are in the Flatwoods. The higher density of farm population is particularly noticeable as there are no cities to compare with Savannah and Brunswick. The largest city within the designated boundaries is Valdosta which is as close to the Gulf as it is to the Atlantic Coast. Most of the important towns are in the 5,000 to 15,000 population range, and belong to the countyseat-local trade area classification.

III

The Upper Coastal Plain, like the two preceding zones, is formed from marine terraces. However, these terraces being much older than those found in the coastward regions have been considerably modified by erosion. For this reason the zone presents more diversity in soil, topography, and elevation than the two already studied. In certain sections where the soil has developed from limestone materials the fertility is high, and these lands were the main cotton soils of Georgia before the Civil War. In the river valleys and where there has been extensive erosion the quality of the soil is inferior. Much of this poorer land is timbered; and hickory, beech, and chinquapin trees are found mingled with the pine and oak species of the lower plain. Although the rainfall is less than at the coast the annual amount approximates 45 inches over

the area, and the summer and winter temperature extremes are only slightly greater than those of the lower plain.

Products

In the fertile soil of the Tifton area lying as a watershed between streams flowing eastward into the Atlantic and those flowing south or southwestward to the Gulf is concentrated the most productive field-crop land of Georgia. Cotton is the leading crop, but tobacco, corn, small grains, sweet potatoes, peanuts and hay are also important. Of all the coastal regions of Georgia this Upper Coastal Plain is the most specialized, yet in spite of the outstanding importance of agriculture, localized manufacturing such as the processing of farm products has made notable progress in recent years.

Population

The population of the Upper Coastal Plain is moderately heavy (compared with the state average), overwhelmingly rural, and relatively evenly distributed. There are no cities in the region and not even any towns of much above 5,000 population. Although for many years this has been the most heavily populated part of the plains, and, in spite of continually increasing crop yield and the trend toward local manufacturing, the 1950 census shows a continuing decrease in population as more and more people leave the farms in response to job and other opportunities in the cities of Georgia and surrounding states.

IV

The Sand Hills Belt is a transition zone from the Coastal Plains to the Piedmont. Since it is a highly varied region and lacks marked boundaries it will be considered only briefly. The ranges of light-colored sand hills are almost continuous next to the Fall Line, but they are broken in a few places by some transverse divides of the Louisville tablelands, a less dissected area which contains deep, fertile, red soil. Away from this tableland the topography is rough with hill crests 500 to 600 feet above sea level and with steep slopes down to the streams. The climate and rainfall varies considerably owing to differences in elevation and to increasing distance from the sea. Many of the slopes are wooded, and mixed hardwoods are increasingly predominant as the margin of the Piedmont is approached.

Human occupance in the Sand Hills Belt presents more varied patterns than are found in any of the plains zones. One reason for this is that there is a row of industrial Fall Line cities at the inner margin of the Sand Hills and they make a market for specialized dairy, truck, and poultry farming in the surrounding areas. Clusters of rather dense rural population thus encircle the manufacturing cities. In the fertile red soil of the tablelands fine crops of corn and cotton are grown. The poorer

sandy gray and yellow soils are used mainly as grazing land and forest. In some sections limestone and kaolin deposits make possible mining or quarrying operations, and add to the variety of occupations in the region.

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The Plowup of Western Grasslands and the Resultant Effect Upon Great Plains Agriculture

By H. H. FINNELL*

The first point to be made is that not all plowing of grassland is bad, necessarily. Sometimes the best economic use of land requires that grass be plowed up to place it permanently or temporarily in cultivated crops. A prejudice against sodbreaking, which has flared with seasonal irregularity in the southwestern High Plains, probably stems from experience with surplus commodities and dust storms. Neither the physical nor the economic facts warrant an inflexible stand on the question. Putting land under plow cannot be regarded within itself a wrong move.

A tendency to allow the historic angle an undue importance in justifying an agricultural development might cause the western plains plowup of the 1920's to be accepted as a sounder operation than that of the 1940's. Not to be satisfied with that alone, examination should be made of the land use experience in a sample area where agriculture is not yet fully developed, in other words, is still in the trial stage. Although agriculture is young in all the western part of the southwestern plains, there has been enough experience with different combinations of soil and climatic resources to indicate rather clearly the capability of most of the extensive land classes.

Now if nature had blocked off the contrasting lands in clear-cut fashion, there should by now be little difficulty in zoning the dry-farming, marginal, irrigation farming, and ranchland areas. In the short space of 20 to 30 years, experience has proved that shallow, moderately sandy and deep, loose sandhill soils of gentle slope or steeper cannot easily be kept productive under cultivation anywhere in the 14- to 20-inch rainfall belt. Farming the shallow-depth hard lands, both flat and sloping, has failed in all areas of less than 18 inches average rainfall. Nearly level medium-depth moderately sandy lands, on the other hand, stood up well with suitable practices under rainfall as low as 16 inches.

Medium-depth hard lands have a fair-to-good record of performance throughout the territory sampled, but below 17 inches of rainfall a program of alternate cultivation and restoration under sod would be required to avoid the unbearable soil losses sustained heretofore. Experience indicates that the hard lands of this class got into an unmanageable condition much more slowly than the sandy lands. In any event, the signs of overuse such as difficulty of maintaining crop residues and difficulty of getting up crop stands should be promptly heeded. The length of safe periods of cultivation must necessarily vary both with soils and with climatic conditions. Deep loamy sands with 18 to 20

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inches of rainfall offer fair possibilities of maintaining fertility and stability against wind erosion by the use of manure crops in the rotation.

Deep, nearly level hard lands, the best of the High Plains wheat soils, can be safely farmed with appropriate simple precautions wherever found.

The most stubborn fact regarding lands in the wind erosion areas, formerly known as the Dust Bowl, is that the poorer lands wear out fast. Serious practical difficulties lie in the way of any attempt at clear-cut zoning. Second-class, fourth-class, and sixth-class lands lie every-which-way in relation to each other. In any generalized mapping or zoning of land areas that you might want to use, about as specific as you could be is to say that certain land types predominate here, other types there. Hence, in drawing a line between what we could call an established dry-farming area and the adjoining marginal zone, we would find some marginal land mixed in with the neighboring established dry-farming area, and we would find some good farm land mixed in with the marginal soils and ranch country.

Generalized zones, therefore, are of little use except to point out the general location of problem areas. The land use planner, the conservation planner, the land owner, and the operator have all got to go deeper than that in recognizing the various safe uses and farming methods for different tracts of land in close proximity to each other.

Nevertheless, it is hard to escape the impression that dryland agriculture and ranching are separated not by a line but by a zone. There has been much research, much agricultural experience devoted to the perfection of successful types of dry-farming, irrigation farming, and ranching, but all that has ever been done with the marginal zone has been to engage in a tug of war to claim it first as a ranch area and then as a farming area, but never recognizing it as a separate and independent problem area with possibilities and limitations corresponding to neither one.

It is safe to say that the agricultural destiny of this arid-semiarid marginal zone is probably as much obscured at this moment as any other like-sized portion of the great Southwest. A primary need of this marginal zone as a problem area is that it be recognized apart from farming and apart from ranching.

The territory concerned is a mere borderland of the southwestern agricultural empire as a whole, yet it is a much lesser distance beyond the point of natural balance between available fertility and available moisture than the bulk of the southwestern Gulf region is this side of that point. The water-eroded slopes and water-leached soils lie principally on the wet side of the 25-inch rainfall belt. The wind-eroded plains of unleached soils lie principally on the dry side of the 17-inch belt. Our deep fertile prairie soils, the most productive and durable uplands of the Southwest, lie in between. Whether we relish facing its problems or not, the agricultural frontier of the Southwest has continued to move west-

ward. The plowup of the 1920's was mostly within the area of 17 to 25 inches rainfall. Based on our first half-century of agricultural experience we might classify it as an established dry-farming area. The plowup of the 1940's was mainly in the marginal zone where the average annual rainfall is below 17 inches and down to about 14.

Let us compare the character of the plowup of the 1920's with that of the plowup of the 1940's. According to the observed rate of soil deterioration and the rate of abandonment of cultivation on worn-out lands, the plowup of the 1920's was not half bad. As a matter of fact, 58% of all the sod broken previous to the dust-storm years has proved to be high-class cropland, and 90.3% of all that plowing is still in cultivation. It has proved its capability by wearing well under cultivation and maintaining a high state of productivity.

Only 19% of the total acreage plowed out during the early development of High Plains agriculture was found to be incapable of being kept permanently in cultivation at a satisfactory level of production. The rest of the earlier plowup, less than one fourth the total acreage, was intermediate grade land, perhaps more easily managed under grazing. It was highly productive under favorable conditions but required extraordinary skill to prevent destructive erosion and maintain fertility.

In contrast, nearly one half (47.5%) of the plowup of the 1940's which moved on west from the old frontier of dryland agriculture was intermediate grade land that is of doubtful quality. Roughly, one fourth of it was even poorer land still; the remaining one fourth was high-class crop land. The economic consequences of the post World War I depression which coincided by chance in the southwestern High Plains with a long dry spell of unprecedented severity are apparent.

When repeated crop failures are overlapped with starvation prices it produces a condition which may be described more or less as double starvation.

But some people did leave the dust storms. They loaded their movable belongings on jalopies and beat it. However, our investigations show that only 40% of the land abandonment which took place during the dust storm period was due to severe damages by soil erosion, while 60% of it was due to financial distress.

Sample areas studied in seven counties from the heart of the old dust bowl in Colorado, Oklahoma, and Kansas totaled two and one-third million acres of land. The statistics from these sample areas, representing the most seriously affected part of the wind erosion territory showed that 14½% of all the land that had ever been plowed stood abandoned in 1936. Of all the cultivated land, 5.7% was abandoned because of severe erosion damage, and it remained abandoned through World War II. Altogether, an estimated 930,000 acres of cultivated land were abandoned permanently in 20 dust bowl counties.

If the new lands plowed in the 1940's experience similar difficulties to that plowed 20 years previously, we can look forward to a further abandonment of about one and one-third million acres of erosion-damaged land. Owing to the fact that the newly plowed land lies mostly toward the western edge of the old dust bowl with less rainfall advantages, wearing the new off a larger acreage of low-class land could conceivably bring upon us in time more severe consequences than those we have already experienced.

The treacherous thing about these new lands is that when put in cultivation they start out with a bang. Under favorable price and rainfall conditions the early years of cultivation are highly profitable, but the new wears off so very rapidly that the erosion hazards soon become insurmountable.

As to the climatic hazard, it would be incorrect to say that it is incalculable but fairly safe to say that it is unpredictable. A person could go crazy looking for wet and dry cycles in plains country weather records. Everybody knows they occur, but nobody can tell when a change may be expected. Besides that, the plains area does not behave as a unit in the formation of weather. So, with both time variation and place variation to plague the prognosticator, agriculturists have fallen back on a plan of crop and soil management based on the sustained effects of past weather rather than the expectations of the immediate future.

The writer can't get excited about the climate changing. The soil bodies of the plains credit our present type of climate with a duration of 10,000 to 20,000 years.

When something happens you never heard of before, accept it as natural for, after all, nowhere in the plains do weather records go back a thousand years, not even a hundred, in many places.

You can sympathize with the newcomer on the plains who complains that even the summer and winter do not alternate with the desired degree of regularity. The look ahead has to be studied with numerous if's, and's, and but's.

It is not predicted that a depression will run concurrently with a long dry spell merely because it has happened three times before.

If this is to cause speculation, it might be as well to consider the probability of having a drouth by itself, a depression by itself, a drouth followed by a depression, a depression followed by a drouth, as well as both of them together.

It is hardly worthwhile to worry about the isolated crop failure. Other things being favorable, to miss a crop will not break the plains farmer. To miss two crops will not necessarily put his land at the mercy of the winds. It is not the short sharp fluctuations that seriously upset the principal trends of production on the plains, but the protracted drouth or depression, or both, which necessitates a change in the type of farming.

Experience proves that our major physical hazards can be very well met by timely shifts in production emphases as to the types of crops grown and the kind and balance of livestock enterprises made available for immediate use.

One way that another disaster in the dust bowl might affect the Southwest as a whole rests in the fact that a substantial portion of the speculative operations going on in the arid-semiarid margins are being financed by prosperous farmers living upon and operating lands further east and some by professional and business men. The home base for many of these operations is located as far east as Enid and Tulsa, Oklahoma, Wichita, Kansas, and Kansas City, Missouri. The financial stability of such operators may be shaken by price failure or by land failure in the marginal zone. However, if abandonment of the marginal zone operations should be brought about by financial difficulties, it would have a different effect upon the land than if it were brought about by severe erosion damages.

Neither occurrence would be desirable from the standpoint of efficient land use. The most desirable solution to the marginal land problem would require the shift from cultivation back to grass before the effects of prolonged drouth should make revegetation too difficult and expensive.

Could this be accomplished, not only would the expense be greatly reduced, but it could be more largely borne by the individuals who have profited from wearing the new off the low-class lands.

Along the semiarid border where established dry-farming has proved its ability to weather a period of severe test such as came in the 1930's, crop production and methods of production undoubtedly would again be affected by proximity to severe dust storm conditions.

One of our more recent studies reveals another fact about the nature of erosion hazards in the transition zone from prairies to plains where wind erosion and water erosion problems overlap. The recent plowup was forced to take in lower-class lands because none better were left. Too much of the new plowings was poor both as to depth of soil and adequacy of rainfall on the arid margin and as to depth of soil and steepness of slope on the mid-moist margin. This has greatly increased our consciousness of the overlap condition.

The seriousness of the wind erosion hazard rises and falls with the alternation of unfavorable and favorable years or periods of years on the flat and gently sloping lands of both the arid and semiarid zones. On the other hand, the water erosion hazard imposes a constant pressure of soil depletion on sloping lands everywhere, punctuated by occasional excesses which occur during flood season.

The wear and tear on sloping cultivated lands by water erosion is a serious matter extending even into the arid marginal zone. This added strain upon the land resources brought about by including large areas of

sloping lands in the more recent grassland plowup in general may prove as costly to the production potential of the area in the long run as the added wind erosion hazard along the western borders of the region. Recommendations framed by the Great Plains Agricultural Council last year, in view of the wheat acreage reduction program then being developed, included the following:

The questions of which tracts to select for diversion from wheat production and what to do with them have been answered by land use experience for the Old Dust Bowl. Data of soil erosion and land abandonment for extensive sample areas in seven counties were used as a measure of the performance of different soil groups under average farm conditions. The liability of land failure under cultivation as shown by experience can hence be used as the basis of selective retirement during the imminent adjustment of wheat acreage. This is a logical opportunity to make adjustments in keeping with the conservation needs of the land.

Agricultural history in the High Plains shows that while a short period of satisfactory use in cultivation under favorable conditions may be obtained from low-class land (SCS Land Capabilities VI and VII), it usually results in quick deterioration and abandonment with a much poorer prospect of recovering a satisfactory carrying capacity for grazing animals than it originally possessed. Any operator finding portions of his wheat acreage consisting of Class VI or VII lands should devote the first available grass seed to the permanent revegetation of those areas. This is particularly urgent because the salvage value of low class lands may decline rapidly year by year.

Conservation surveys made since the plow-up of World War II show that large areas of intermediate class land (SCS Land Capability IV) have been brought into wheat production by plowing the sod or diverting from other types of crops within the past seven years. These soils deteriorate rapidly under cultivation, although producing well while new. To preserve their capability they must be planted back to sod crops periodically for rest and restoration.

Along the arid margins the Class IV lands consist mainly of shallow to medium-depth flat and gently-sloping lands. Within the semiarid and midmoist belts, Class IV lands consist mainly of steeper slopes and lighter textures than have been previously thought unsuitable for wheat farming.

Where intermediate class land has been in cultivation long enough to wear off the new, it can be benefitted by temporary retirement to grass or to mixed grass and legumes or to other non-soil-depleting crops. Should the scarcity of seed be such as to take care of only the low class and part of the intermediate class land, it may be temporarily conserved by weed cover where such is adequate.

Many operators accepting a revision downward in their wheat acreage by allotment will find that they do not have enough low class and intermediate class land combined to provide the necessary reduction.

From the standpoint of soil conservation and efficient use of land resources, the additional diversion of high class acreage (SCS Land Capabilities II and III) should be devoted to summer fallow along the arid-semi-arid margin of the plains and to permissible types of other crops from which is was originally diverted to wheat along the semiarid-midmoist margin of the plains.

Only in about a dozen counties of the Old Dust Bowl area do we have available land-abandonment and rate-of-erosion data to use as a guide to appropriate use changes for fields of various land capabilities. Additional records of land use experience would be helpful in other representative parts of the Great Plains.

This is an example of the character of changes in agriculture sometimes imposed by economic requirements over and above the changing re-

quirements of natural conditions in the High Plains. Looking back on the twenty-seven years spent in the study of High Plain agriculture, it can be truthfully said there was never a dull moment, nor is there likely to be.

Chattel Mortgages and Conditional Sales

With Regional Consideration Devoted to Recordation Statutes in the Southwest

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This study shall be concerned with those certain legal devices which perform a very important function in our everyday economic life. The gist of the devices or transactions here considered center upon the key terms—debt, security, and personal property. The principal legal concept involved in the study of chattel mortgages and conditional sales is the theoretical or actual transfer of personal property to create security for a debt. Today chattel mortgages and conditional sales remain the principal devices by which a debtor may enjoy the possession and use of a chattel in which the security interest is held by another.

These legal instruments lend themselves handily toward credit sales. True, our tremendous growth in industrial output has been made possible by installment selling.[1] But, this in turn has been made possible by such legal devices as the chattel mortgage and the conditional sale. Conditional sales have been usually associated with installment selling, but equally adaptable to this marketing maneuver is the chattel mortgage. Therein, as a matter of fact, lies one of the important distinctions between these all too similar devices. The chattel mortgage, used primarily in loan-debt transactions, can be adapted to installment selling while the conditional sale is usually restricted in its use to the credit sale of merchandise. These devices which, at first blush, have a similarity defying dissection are in reality legal anomalies that arose out of different legal concepts, developed along different lines, and gave rise to different rights and remedies.[2]

In order to discuss the chattel mortgage security device adequately, the conditional sale cannot be overlooked, and to consider thoroughly the conditional sale, attention must be given to the chattel mortgage. On this occasion, however, the chattel mortgage, for reasons to be developed later, will be given primary consideration. Historic background, court distinctions, the matter of the title and the possession of the property, validity as to interested third parties, present general use, and their utility in the Southwestern states are some few of the problems to be considered herein.

The term "mortgage" is generally considered to be derived from the Latin *mortus* and the Latin *gage*. This very ancient security device is

[1]For a very comprehensive study of the law pertaining to installment selling, see 2 Law and Contemporary Problems, 139-288 (1935). Also, Security Devices in Marketing, 32 Yale L.J. 602 (1923).

[2]Conditional Sales and Chattel Mortgages, 9 Washington Law Review 143 (1934).

based upon a derivation meaning a dead pledge, a very significant phrase, very meaningful under the common law. Certain authorities contend that the common law "mortgage" gains its background from the Greek and Roman *hypotheca*. The ancient *hypotheca* provided an arrangement whereby the creditor was protected while the *res* (the property) was left in the hands of the debtor. This arrangement was applicable to either movables or immovables. These same authorities argue that the early common law followed the acient *hypotheca* agreement, but note, the early common law, as a matter of fact, allowed the creditor to take possession of the *res* until the debt was paid. Thus, in the early days of the English common law, when a debtor pledged real property to secure a debt, he conveyed title and possession to the creditor. The creditor became the absolute owner if the debt was not fully paid when due. The security in the possession of the creditor became a *dead pledge* so far as the debtor was concerned.

Later, the English courts of equity recognizing the hardships and inequities arising out of such transactions, intervened and eased this harsh rule by granting rights of redemption. This effort on the part of equity quickly developed into a true lien situation; title was retained by the debtor, but the creditor, upon default, instead of being allowed to declare a complete forfeiture was permitted to bring a proceeding to foreclose on the property to satisfy the debt. Thus, the English law was influenced by the civil law (the Greek and Roman Law) to the extent that the original idea of the *hypotheca* again predominated—an arrangement for protecting the creditor while leaving the *res* in the hands of the debtor. Remember, that although this particular device pertained to real property as security, the *hypotheca* applied to both movables or immovables.

Ordinarily, the term "mortgage", standing alone, means real estate mortgage. The term "chattel" affixed thereto, is French and signifies "goods"; but it has a much more comprehensive meaning than either goods or effects. It includes every kind of property, movable or immovable, which is less than a freehold. Chattels are at law divided into two classes, namely chattels real and chattels personal. Chattels real are such as are annexed to, or in some way concern, the realty. Things movable which may be carried about or transferred by the owner, such as household goods, farm equipment, animals, or any other thing which may be put in motion are classed as chattels personal.[8] This latter type of property, as to be distinguished from real property, may also be the subject of a mortgage.

Although the French term "chattel" is now in common use in conjunction with the term "mortgage", i.e. to denote a mortgage of goods

[8]*Texas Chattel Mortgage Law*, R. B. Humphrey. An elementary but thorough study of the law pertaining to chattel mortgages, with emphasis on Texas law.

or personal property, it is interesting to note that France which adopted the civil law, did not retain the Roman *hypotheca* comprehending movables, an absence particularly notable in the Code Napoleon.[4] The English courts, following the lead of equity, adopted the concept of the *hypotheca* in toti, and proceeded, with some variations, to recognize the existence of a security device pertaining to the use of chattels.

The chattel mortgage has been defined in a number of ways. It has been declared to be a transfer of defeasible title to personal property as security for a debt. A mortgage on a chattel may be considered as a sale of the chattel, with the condition that if a certain debt or other obligation is paid by the party who gives the mortgage, the sale shall be void and the title shall revest in the party who made the mortgage. The mortgage is a security device whereby the creditor acquires an interest in specific personal property as a protection against the possibility that the debtor will fail to meet his commitment when due. Practically speaking, under an ordinary chattel mortgage contract, the borrower (the chattel mortgagor) presents the lender (the chattel mortgagee) title to personal property as security for the debt. Then the chattel mortgage theoretically represents two acts. First, there is a delivery of the collateral to the mortgagee as effecting a transfer of title. Second, a redelivery of that collateral by the mortgagee to the mortgagor representing a pseudo-bailment. These mechanics are premised on a legal fiction; as a practical matter no delivery at all takes place. Title to the property passes, a bailment is created by nothing more than mere statements. But these statements are the essence of the contract and without doubt bind the immediate parties to the transaction. Their effect upon third parties will be later considered and provide the scope of our regional consideration.

Inasmuch as this security contract, generally speaking, operates to transfer the legal title to the mortgagee, then that interest can be defeated only by full performance of the contractual condition. Upon breach of the condition the mortgagee may take possession of the property, and, so far as the legal rights of the parties are concerned, he may thenceforth treat it as his own. In this respect, then, a mortgage of personal property is similar to a mortgage of real property under old common law, and differs widely from the mortgage of real property, as the latter has gradually come to be viewed in many states of these United States. In the United States, generally speaking, a real estate mortgage is regarded as conferring no legal title on the mortgagee, but as being a mere lien or security. While in these same states, with Texas being a notable exception, a mortgage of personal property is regarded as not being a

[4] *The Chattel Mortgage in Louisiana*, Harriet S. Doggett. 16 Texas Law Review 162-190 (1937). "Part of a chapter in a book—entitled Privileges and Chattel Mortgages in Louisiana".

mere security, but as passing the legal title, which becomes absolute in the mortgagee upon default.

Now let us consider the basic mechanics and the circumstances surrounding the use of the conditional sales agreement. It has been stated that conditional sales have been more associated with installment sales, wherein the sellers of merchandise part with possession yet retain title as security. The buyer gets immediate use but is not required to make immediate payment of the full price. In ordinary sales on terms requiring subsequent payments, of stated amounts at stated intervals, the title passes to the buyer, and if the payments are not made the seller must bring action for the price. As often as not in such cases the seller obtains an uncollectible judgment.

In a conditional sale agreement the buyer is to perform some condition, precedent or concurrent, before the title becomes complete in him. The thing sold stands as security. The common element in conditional sales is the provision that the title shall not pass to the buyer until all installments of the price are fully paid, the buyer having possession and use in the interim. The Uniform Conditional Sales Act defines a conditional sale as any contract for the sale of goods under which possession is delivered to the buyer and title is to vest in him subsequently upon the payment of part or all the price, or upon the performance of any other condition, or the happening of any other contingency. The conditional sale is a present transfer of the property interest (beneficial ownership) subject to an incumbrance in favor of the seller (legal title) as a practical form of security for payment of the purchase price. Recall that, in a chattel mortgage, when that device is used in credit sales, the seller passes title to the buyer who then technically passes it back to the seller in the form of a chattel mortgage. Such retransfer takes effect immediately, of course, but it is subject to that condition subsequent—the chattel mortgage shall become void and title shall automatically vest in the buyer if the conditions of the chattel mortgage are fully met.[5]

The similarity of the two security devices has provided the American courts with an interesting dilemma. In many instances it has not been possible to declare without question that the instrument is one or the other; and in order to grant the proper remedy it must be established that the device be either a conditional sale or a chattel mortgage. The courts that have had this interesting problem presented to them have evolved certain general rules of construction to be applied when future cases arise. In this manner the task of differentiation may be facilitated.

The courts faced with this situation utilize a rule fundamental in the

[5]These basic distinctions between the chattel mortgage and the conditional sale are enunciated with particularity in *Principles Governing the Distinction between Conditional Sales and Chattel Mortgages*, R. Young, 5 Notre Dame Lawyer 16 (1929). Also see 14 Iowa Law Review 329 (1929) on the same problem.

law of contracts. This principle provides that the intention of the parties shall be of paramount importance. In other words, the courts look to the four corners of the instrument and attendant circumstances to ascertain the real intention of the parties. Of course, such scrutiny necessitates courtroom research, and resolves itself into a pure fact question. Fact questions of this nature may develop nothing but a "forest for the trees" result.

Therefore, the courts have been forced to make use of other principles in order to distinguish between these two types of contracts. The United States Supreme Court has stated that if the transfer is intended to secure an existing indebtedness it is a chattel mortgage. In the second part of this particular test the court contends that if the transaction is made upon an agreement to sell and deliver property the title being retained by the seller subject to a condition subsequent, then it is a conditional sale. A majority of the American courts have found the use of such tests and other principles to be so disappointing that they have settled upon the so-called "presumption" theory. These courts state that where the instrument is ambiguous or doubtful, the "presumption" should be in favor of the mortgage and against the conditional sale. The reason for this presumption has been stated very clearly by the New York Court of Appeals[6] to be that:

> "in the case of a chattel mortgage the mortgagor although he has not complied strictly with the terms of the mortgage, still has his right of redemption, while in the case of the conditional sale without strict compliance the rights of the conditional purchaser are forfeited."

The Supreme Court "test" and the "presumption" theory, together with the general principle of ascertainment of intention, would seem to be the only rules which have anything of an unanimity in their application by the courts. Certain jurisdictions have abolished the distinction between these two security devices, and thereby have lessened the burden on their courts. The highest court in Colorado has stated that "optional payment is essential to constitute the transaction of a conditional sale, a contract that imposes an unconditional liability upon the vendee to pay the purchase price is an absolute sale and not a conditional sale."[7] The court of last resort in Louisiana treats such a sale as an absolute sale with full title passing to the buyer.[8] The Texas Statutes declare that a contract of sale with reservation of title is a chattel mortgage, and preclude recognition of conditional sales.[9]

[6]Matthew X. Sheehan, 69 N. Y. 585 (1877).
[7]Andrews V. Bank, 20 Colo. 313 (1896).
[8]See cases 46 So. 193 (1908), 117 So. 441 (1928).
[9]Article 5489, Revised Civil Statutes of Texas, 1925.

The dilemma as to whether the security device be a chattel mortgage or conditional sale is only one of a number of complexities facing the American courts. Arriving at a definite conclusion concerning that problem faces up another in respect to chattel mortgages. A study of judicial decisions will show that the courts are not of one mind on the issues involving title and possession. This diversity on the question of whether the mortgagor or the mortgagee holds legal title has split the American courts into two legal camps, the "title" theory jurisdictions and the "lien" theory jurisdictions.[10] Many states, such as New York, maintain the view that the chattel mortgage operates as a "present transfer of title to the property mortgaged, subject to be defeated on payment of the sum or instrument it is given to secure." The New York Court then states that in no sense of the term, whether as used in the statute or otherwise is the chattel mortgage to be considered a "lien."[11] At the present time the "title" theory jurisdictions are definitely in the majority. The full meaning of the "title" theory can best be explained by checking its results. If the mortgagee sells the debt then the collateral goes with it since he has title, and his assignee then is in his stead. If the mortgagor sells the mortgaged goods which are in his possession he may be held for conversion since he does not have the title. The chattel mortgagee that has title may sue on his debt to judgment and hold his mortgage right as security for the judgment itself. But the "title" theory presents problems in both foreclosure and redemption.

A minority of jurisdictions, including Texas,[12] have adopted the so-called "lien" theory regarding chattel mortgages. Under this theory the mortgagor retains both legal title and possession, and the mortgagee obtains a lien. The instrument confers upon the mortgagee the privilege, upon default, of seizing the collateral. Until the mortgagee sells the collateral, upon notice and by compliance with the terms of the statutes governing chattel mortgages, the chattel mortgagee holds the property subject to redemption by the mortgagor and is responsible for proper care of it meanwhile. Thus, the mortgage of the creditor is not merely the means toward collecting the debt, but it is the primary method. The mortgagee-lienor must foreclose first of all, and he can pursue the mortgagor in court only after a deficiency has thus been ascertained.

Of course, the rights and obligations between the immediate parties to these transactions are governed by the contract. Even though the mortgagor or buyer remains in possession of the chattel the mortgagee or seller retains an important interest in that property whether it be the legal title or a lien. In these transactions where the mortgagor has possession not only are the immediate parties to be considered, but interested

[10] *Property Security*, G. E. Osborne (1940) provides a short treatise on this subject.
[11] 54 N. Y. 18 (1873).
[12] 86 Tex. 636 (1894). Only one of a myriad of cases on this point.

third parties must be given legal recognition. Historically, the consideration of interested third parties (creditors) began in the English courts and permeated English decisions in the 17th and 18th centuries. As a matter of fact, early English law challenged the existence of such a legal fiction as the chattel mortgage because of the fraud being perpetrated against creditors. This concept found elaboration in early American decisions. Chancellor Kent in his Commentaries and in his opinions on the New York bench in 1805 often referred to the exceptional character of chattel mortgages. In 1810 a Massachusetts court held that a chattel mortgage was of no avail unless a legislative act protected the mortgagee in abstaining from taking possession.[18] However, legislative action merely declaring that a chattel mortgage should henceforth be valid despite the borrower's being in possession would not answer the question.

A chattel mortgage or conditional sale, unlike a pledge, does not in and of itself constitute notice of the creditors rights in the chattel; the creditor, if he wishes to protect his rights, must give public notice of his lien on the chattel. Also, certain legal circles continued to argue that recording acts were necessary to validate the transaction by removing it from the purview of the Statute of Fraudulent Conveyances. In other words, if the property were allowed to remain in the possession of the mortgagor without notice to third parties of the incumbrance on it, then it would be to admit of a fraud against possible creditors of a characterless mortgagor. The common-law Statute of Fraudulent Conveyances was enacted to prevent this very eventuality and to allow possession by the mortgagor presumed a violation. Therefore, subsequent legislative action devised by trial and error has resulted in providing legal machinery for giving notoriety to these transactions. After all, the matter of notoriety is important. Third persons should have notice that even though the mortgagor is in possession he does not have title, or that even though he has both possession and title a lien exists against the property. It follows that at least as to chattel mortgages, a recording act is necessary, not so much to regulate the rights of the parties as to provide this required notice to third parties.

The recording acts, diverse in language and similar in substance, provide that a mortgagee or seller who takes a chattel mortgage or conditional sale agreement and leaves the mortgagor or buyer in possession of the property will take subject-to the rights of a bona fide purchaser or subsequent creditor unless he files or records the document in a place and manner provided by the statutes. What may happen in the interval between the execution of the document and the filing is a matter of statutory interpretation, but the mortgagee must file if in the end he expects to have anything at all against the mortgagors creditors. Failure

[18]On this point see 25 Virginia Law Review 316 (1939).

to file may give an innocent purchaser a prior right in the chattel against the mortgagee, although the debtor himself remains liable on the debt.[14]

Statutes providing for recordation are registration statutes, and a majority of American jurisdictions have taken this legislative action. Our interest here shall be confined to the jurisdictions of Louisiana, Arkansas, Oklahoma, New Mexico and Texas, to note generally their judicial interpretations concerning these security devices and the registration statutes pertaining thereto. At the risk of being repititious it should be pointed out again that Texas and Louisiana do not recognize conditional sales. The Texas statutes require that conditional sales be treated as chattel mortgages, and the high court of Louisiana regards such a sale as an absolute sale with full title passing to the buyer. Arkansas, Oklahoma, and New Mexico do recognize the conditional sale and the chattel mortgage as valid security devices.

By such judicial statements as "sales of personal property may be made upon the condition that the title of the property shall not pass until the property is fully paid for," the states of Arkansas and Oklahoma recognize the conditional sale. Except for certain types of property specifically enumerated in the statutes such sales need not be filed for record, and the seller's reservation of title is valid as against innocent purchasers or creditors without recordation.[15] Pointedly recognizing the distinction between the devices both jurisdictions have statutory provisions protecting the chattel mortgagee as against third parties. Although the chattel mortgagee has title to the chattel in the possession of the mortgagor, and the right to possession, nevertheless the chattel mortgage must be recorded in the office of the proper county officer in these jurisdictions to be effective against third parties.[16]

The state of New Mexico recognizes the conditional sale, and requires that such a written instrument be filed or recorded in the office of the clerk of the county where the property is situated in order that the instrument be effective against subsequent mortgagees, purchasers, attaching creditors or general creditors in good faith without notice.[17] The New Mexico statutes define a chattel mortgage as being "all instruments of writing having the effect of a mortgage or a lien upon personal property", and insist that the chattel mortgage must be acknowledged and filed in the county clerk's office to be effective against third parties. The statutes emphasize that a distinction must be made between a chattel mortgage and a conditional sale in New Mexico.[18]

The Louisiana and Texas legislatures have adopted comprehensive sets of enactments regarding the recordation of chattel mortgages. Louisiana

[14]See Note 3.
[15]124 S.W. 1023 (1910).
[16]183 Pacific 56 (1919).
[17]New Mexico Statutes, 1941, Ch. 41 Sec. 2142.
[18]New Mexico Statutes, 1941, Ch. 63 Sec. 501.

follows the civil law concept that regards the contract as mere security for a debt, therein creating a privilege on the property covered by its terms—this privilege being in the form of a lien. In 1912 the first chattel mortgage act was passed in Louisiana for the protection of lienors against third parties. This act acknowledges that the chattel mortgage agreement is valid as between the immediate parties, but insists upon recordation in the office of the recorder of mortgages in the parish where the mortgaged property is to be located according to the terms of the agreement. The lien becomes fully effective upon recordation, and takes precedence over all liens arising subsequent to this recordation.[19]

The Civil Statutes of Texas, mentioned previously, preclude any recognition of conditional sales by the provision in Article 5489, R.C.S. 1925 that "all reservation of the title to property or in chattels, as security for the purchase money thereof, shall be held to be chattel mortgages." The Supreme Court of Texas has repeatedly asserted that the chattel mortgage, the recognized security service, gives only a lien on the mortgaged property while the legal title remains in the mortgagor.[20] As a matter of fact then, nothwithstanding the words of the statute, a reservation of title to or property in chattels could not exist. But, in the same statute the legislation provided that a reservation of title with possession in the vendee would be "void as to creditors and bona fide purchasers unless such reservations be in writing and registered as required of chattel mortgages." Of course, such a reference does absolutely nothing but inform us that in Texas chattel mortgages must be recorded to protect mortgagees. The purpose of filing and registration is to protect the mortgagee against impairment or destruction of his security and third persons against secret liens, by giving public notice of the existence and terms of the instrument so filed and registered. This protection is very adequately afforded by the Texas statutes.[21]

In conclusion, it is possible to state with alacrity that the chattel mortgage security device, as well as the conditional sale, has been adapted to meet the challenges of a necessitous business society with gratifying success. Economic forces have decreed that a type of security wherein th buyer or borrower retains possession takes precedence over the type of security that demands the seller or lender retain possession. The businessman of today who lends upon the security of automobiles or cattle prefers to leave the buyer or borrower in possession, for the simple reason that the latter has a garage or pasture lands. Although the pledge has by no means lost its usefulness, the advantages of the chattel mortgage should cause the modern businessman to pause in respect to the ancient *hypotheca.*

[19]See Note 4.

[20]Stevens V. Cox, Civ. App., S.W. 241 (1923), rehearing denied 256 S.W. 643 (1923).

[21]See Articles 5490-5499, Revised Civil Statutes of Texas, 1925.

Uses of Econometrics in Business Research

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Among the variety of problems which we encounter in the area of business research are those which deal with the dynamic aspects of our economy. These problems are the concern of both the economist and the business analyst. However, the economist can deal with the problems in abstract forms since he is not under pressure for immediate results. The business analyst does not have this luxury of time and he must consider every possible tool which will help him to produce current results. Econometrics will help in this area of business analysis. It is not a mysterious system which will solve all problems. In fact, its use is very limited. However, it may be the means of eventually raising economic analysis to the level of a science.

The general area of economic analysis can be divided into three broad categories. First, is the area of macro-economics vs. micro-economics. The division line between these two is not definite and clear-cut because there are various degrees of aggregation of numerous individuals into social groups (consumers, businessmen) and of numerous commodities into commodity groups (labor, consumer goods, investment goods, cash . . .). In dealing with these problems arguments relative to general behavior must start with micro-economics. Eventually they are broadened into aggregates, and in the macro form yield to the econometric approach. The second category of problems are in the area of statics vs. dynamics. Static analyses are likened to the still photo which is obtained when a motion picture camera stops grinding. They treat an economy at a fixed point in time, and the analysis consists of determining the results which would be obtained if the amounts of components of the economy varied. These changes might be with respect to population, fashions, etc., but all are external to the economic system. Dynamic economics recognizes the fluidity of our economy and seeks to show how the value of a time series described by the dependent variable of a function is determined by the set of constant values of parameters as in a multiple regression analysis. Changes in the dependent variables under these circumstances may be explained without assuming any particular types of changes in the parameters of the independent variables. Comparative statics studies the effect of a change in a parameter upon the value of a dependent variable. For example; a union-fixed wage rate affects variables such as real income and price level. Comparative dynamics studies the effect of a parameter upon the direction of a dependent variable. For example; a change in the elasticity of demand or in a lag may or may not make the oscillation of a price level more or less dampened, or it may make the time interval between two peaks in the price level longer or shorter. The third category

of economic analysis is exact vs. stochastic (chance) relations. All our economic relations are subject to random fluctuations. For example; even after we take into account all of the important variables which affect consumption expenditure, including income, prices, number and age of family members, past income, past prices, liquid assets, etc., there will remain numerous variables, each of which exert a small influence on consumption. The cumulative effect of these small variables is sufficient to nullify any assumption as to exactness of an estimate we might prepare. In "exact" economic analysis the presence of these chains of random disturbances is overlooked, but they are always present in the type of analysis with which we deal in business research. If exact static economics were true, the economic variables over a period of time would be described by horizontal straight lines as long as the parameters were unchanged. If exact dynamic economics were true, the economic variables which were described through time would be represented by smooth curves, as long as the parameters were unchanged. Historically known changes in a parameter would shift the horizontal line in statics or change the oscillation of the smooth curve of a time series in dynamics. Actually, however, time series are much more erratic. Also, when an economic variable such as consumption is plotted against all relevant variables, the result is seldom a smooth line of relationship. Instead, a scatter diagram is obtained which indicates the presence of random disturbances. Stochastic economic analysis tries to explain the actually observed values of economic variables. This necessitates that the economic relationships be reformulated. In the above illustration, the functional relationship between consumption and its determining factors are to be found, but, in addition, the probability distribution of the random disturbances must be developed in order that the range of error in the predictions may be pointed out.

Problems falling in the areas of macro, dynamic, and stochastic economics, yield to the econometric approach. Econometrics is the application of mathematics and statistics to problems of economic or business analysis. In a narrow sense, econometrics is concerned with the measurement of economic relations. This measurement requires certain statistical methods, and before one proceeds to measurement, one has to formulate economic relations mathematically.

Econometrics has a broader meaning, however, as mathematics and statistics are designed in a broader sense. Mathematics teaches how to derive propositions from other propositions. Statistics teaches how to derive propositions from observed facts. Mathematics, therefore, represents deductive logic and statistics is concerned with inductive logic. Econometrics, then, appears to be the application of the rules of logic to economic analysis. It is distinguished from ordinary economics only inasmuch as it makes explicit rules of specified logic, including mathe-

matics and statistics, instead of applying logical rules more or less instinctively.

Econometrics is used in connection with three particular types of problems. First, is the problem of prediction, such as pointing out the expected effect of a change in the wage level upon consumption. Second, are problems involving identification, which involves determining which forces in an economy combine to affect or produce a given situation. Lastly, econometrics is used in connection with problems of estimation, such as a forecast of the gross national product, level of employment, etc.

The basic procedure in econometrics is to construct a model of a business economy. This is referred to as an economic or a mathematical model, depending upon whether it is being constructed by an economic analyst who is acquainted with mathematics, or a mathematician who knows some economics. The objective in model construction is to design a replica of the economy with all of the interacting forces measured and weighed in accordance with their proportionate contribution to the economy. The economy model may be constructed by instinct or through the use of regression equations, determinants, and partial derivatives of functions, etc. When completed, it is a system of equations involving known and unknown terms which may be simple or complex depending upon the magnitude of the problem being analyzed.

After the model has been constructed it is used for experimental purposes by varying its parameters and studying the different results obtained. In this respect the procedure is similar to an experiment in physics, but this is not unusual since the use of econometrics represents an effort to apply the scientific principles of the physical sciences in the area of the social sciences. To predict the effect of a price change a new coefficient for the price level would be substituted for the parameter associated with the previous price level in the model. The solution of the system would then indicate whether the business level has been accelerated or depressed as a result of the price rise. The model might be used to identify the forces which affect unemployment. For a particular period for which data were available a model would be constructed which would be presumed to include all forces influencing the level of unemployment. If the results of solving the equation of the system provided an estimate equal to a known level of unemployment in the past, it would be evidence that the forces which have contributed to unemployment are identified. If the estimate differs from a known estimate, it is evidence that further forces exist which have not been included in the model. To prepare estimates of the gross national product model of our economic system would be developed based upon present business conditions. The trend in each parameter of the system would be substituted in the model, the system of equations solved and totaled, and the result would be the estimate of the gross national product for the future period.

The sufficiency of the model approach to the solution of problems rests partly in the detail which is included in the model and in objectivity in developing the parameters. The parameters are all based upon estimates of past performances, and their success as a tool in forecasting depends principally upon the stability of any change which may assist in the systems. However, the multiplicity of the force included in the model permits some deviations from the correct estimates without materially reducing the reliability of the final results.

As an illustration of the concept of economic model building, consider the problem of estimating the level of unemployment. After due consideration it is assumed that the economic forces setting up the chain reactions are: *U*nemployment, *L*abor force, *P*roductivity, *Y* (income), *S*upply, *D*emand, *C*onsumption, *I*nvestment (net), *G*overnment demand, *T*ax receipts. The first two of these are measured in men, Productivity in dollars per man-year, and the others in dollars. Five relations can be obtained from these ten forces:

(1) $U=L-Y/P$ (by definition)

(2) $Y=S$ (by definition)

(3) $D=C+I+G$ (by definition)

(4) $S=D$ (the behavior of producers)

(5) $C=a(Y-T)+b$ (the behavior of consumers)

The first three relations are identities, but the last two are empirical and may be either true or false. Since the parameters a, b in equation 5 can be regarded as variables, we have 12 variables and 5 equations which leaves 7 degrees of freedom.

One of the advantages of econometric analysis over the instinctive approach lies in the development of the system of equations of the model. Unless all the forces are set up in the measurable form of a system of equations, consistent results cannot be obtained. The analyst using the instinctive approach cannot determine when he has all the forces affecting the problem in his relations, and this is frequently the cause of extended explanations on his part as to inconsistent results.

In the present problem it is evident that 7 more equations are required to eliminate the inexactitudes which are present in the form to too many degrees of freedom. These are obtained outside the area of business or economics. "L" is obtained sociologically by a regression analysis of the growth of the labor force, its age, composition, etc.; "P" is a matter of technology; "G" and "T" are obtained by political decisions; "I" is determined by the decisions of a small group of business leaders; and "a, b" are determined by regression analysis.

With these values we then use equations 2, 3, 4, and 5 to solve for "Y" as follows:

$Y=S$

$S=D$

$D=C+I+G$

Substituting Equation 5 for C, we have $D=a(Y-T)+b+I+G$ or

$$Y=D=aY-aT+b+I+G$$

Grouping terms, we have $Y-aY=-aT+b+I+G$ or

$$Y = \frac{I+G+b}{1-a} - \frac{Ta}{1-a}$$

Substituting this equation in (1) above gives the basis for estimating the level of unemployment based upon the chain interactions of the economy:

$$U = L - \frac{\dfrac{I+G+b}{1-a} - \dfrac{Ta}{1-a}}{P}$$

Incidentally, the 1/1-a term of the last equation gives the investment multiplier and -a/1-a gives the multiplier of taxes, a negative development. While this illustration is deficient in all of the forces which exert an influence upon the level of unemployment it serves as a demonstration of an approach to model building techniques.

The empirical determination of economic structural relations may be found as far back as the 17th century when Gregory King prepared estimates of the demand curve for wheat. These were "known parametric" estimates in that King measured the relative price rise at five levels and the accompanying decline in the quantity of wheat available. During the 19th Century Cournot, Jevons, and Marshall urged the need for empirical measurements in economic relations. Shortly after World War I Lehfeldt made a new study of the wheat demand function and French and Italian economists made similar attempts for other commodities. After World War I various American economists, particularly Henry L. Moore and Henry Schultz, as well as research workers in the U. S. Department of Agriculture (Ezekiel, Bean, and others) developed a series of demand studies. The positively sloped demand curve for steel which Moore obtained was puzzling and giving it the name "Statistical Demand Curve," as distinguished from the theoretical or neo-classical curve did not solve the problem. Pigou, in an appendix to his *Economics of Welfare*, and Working, in the *Quarterly Journal of Economics*, 1927, further developed the problem by relating the observed values of prices and quantities of a commodity to the partial equilibrium model. Regnar Frisch, in *Pitfalls in the Statistical Study of Demand and Supply*, 1933, gave a more complete account of the problem by introducing random fluctuations. For an

excellent history of the problem up to 1938, the *Theory and Measurement of Demand*, by Henry Schultz, is recommended. For a long time the problem of determining economic structural relations was confused with that of serial correlation of observations that succeed each other in time and the problem was treated under the label of "Analysis of Economic Time Series." A new classification of the problem was given by Trygve Haavelmo in 1933, which was followed by the work of the Cowles Commission from 1943 to 1947, and the result has been a better understanding of the logical and mathematical nature of the problem of estimating relations from non-experimental data.

The applications of econometrics to problems of business analysis have been limited by two particular circumstances: One is the means of readily solving the multiplicity of equations which are required if the economic model is to truly represent an economy. Leontief has pointed out that this is a very pressing limitation. The solution of this problem is in sight, however, with the development of the electronic calculators by the International Business Machines Corporation. These calculators are now able to deal with the most complex systems of equations. As their availability becomes more extensive, one limiting factor to the use of econometrics in connection with practical problems will have been cleared up. The second limiting factor is the availability of reliable statistics. Too many of our data are the by-products of administrative processes. They are used because they are the best statistics available. Furthermore, in many cases where statistics have been gathered, presumably for the purpose of accurately measuring economic conditions, the statistics suffer because either inadequate samples or unrefined definitions, or both, were used in the compilation of the data. These factors, coupled with the lack of data for a sufficient period in the past to reveal stability, are a more serious limitation on the use of econometrics than is the problem of processing an extensive system of equations. It remains for all of us interested in the field of business and economic research to devote every effort and encouragment to the improving of our statistics if we wish to be in a position to develop economic measures which are reliable.

The use of econometrics in problems of forecasting is frequently criticized in such a way as to clearly demonstrate that the critic has no concept of the subject. Too many analysts still prefer to handle economic analysis by instinct rather than attempt the laborious methodology necessary to measure situations. We have numerous instances of the unfortunate results of analysis by instinct, and it is fortunate that we have a record of the degree of success which has been obtained by the use of econometrics in solving problems of business forecasting. This record should be of interest to critics of the techniques. The Econometric Institute, Inc., headed by Dr. Charles Roos, has compiled an enviable

record in the area of forecasting through the use of techniques of econometrics. Let me read a few of his forecasts which are part of a longer record:

On October 25, 1938, when industry was excited about the upturn in business which took place in the summer months of that year, the Econometric Institute stated: "Plan for increased activity during the next three or four months, then a leveling off, or possibly a slight decline. The record shows that industrial production rose about 8 per cent by the end of January, then dipped slightly, and by May of 1939 had returned to the same level as in October, 1938.

On October 8, 1940, after industrial production had failed to rise for two months, the Econometric Institute stated: "Plan on production rising during the remainder of this year and operating at capacity levels during the first quarter of 1941." Production did rise rapidly to capacity by February, 1941.

On August 30, 1945, when government economists were forecasting unemployment of between 8 to 10 million by the spring of 1946, the Econometric Institute stated: "Frictional unemployment, which today amounts to about 5 per cent of the civilian labor force, should normally account for at least 4 per cent, or about 2.3 million persons in May, 1946. In June 1946, the U. S. Department of Labor reported unemployment in May at 2.3 millions.

This is not meant to imply that the results of the use of econometrics are infallible. The situation may be somewhat akin to the Gallup Poll, wherein successful predictions are overly-advertised, and unfortunate forecasts are conveniently forgotten. Neither is it to be presumed that econometrics will solve all our problems of forecasting in its present stage of development. Nevertheless, the success which has accompanied the use of these measures opens a new area which may eventually place business forecasting on a more scientific plane, improve the reliability of the forecasts, and permit a better management of our economy through better information as to what the future is likely to hold for businessmen.

Book Reviews

Edited by H. MALCOLM MACDONALD

SAM H. SCHURR and JACOB MARSCHAK: *Economic Aspects of Atomic Power.* (Princeton: Princeton University Press, 1950, Pp., 289, $6.00.)

This book, described as "an exploratory study", was prepared by the Cowles Commission for Research in Economics, at the University of Chicago. The project was initiated by a committee of the Social Science Research Council. The authors discuss the general problems associated with atomic power, and evaluate the possibilities of its use in various important industries. In most of the comparisons of the costs of present power with those of atomic power the prices of 1946 are used as a basis. The study assumes that the use of atomic power in industry will depend largely upon relative costs. One great advantage of atomic power would be that fuel and fuel transportation costs would be negligible. "There is a reasonable possibility that 1 lb. of uranium can be made into 1 lb. of atomic fuel, which would mean that the energy equivalent of 1,250 ɔtns of coal might cost about $20." There are, however, certain serious limitations. In the first place, atomic power could be supplied at low cost only from very large power plants. Secondly, there would be enormous installation costs, largely due to the massive shielding necessary for safety. Finally, there is the task of developing alloys and ceramic materials capable of withstanding the intense heat.

The findings indicate that the savings in costs from the use of atomic power would be much less than what has been suggested in popular articles. It appears probable that our cheapest power will continue to come from the more efficient of our hydro-electric plants. Even in cases where atomic power promises lower costs than present power, the differences are not impressive. With respect to specific industries, the authors conclude that under present conditions the use of atomic power has very limited possibilities in the production of chlorine and caustic soda, cemeent, brick, and flat glass. The same holds true for railroad transportation. In the production of phosphate fertilizers, atomic power might have significant results by making the substitution of the electric method of production for the sulphuric acid process.

In several major fields the prospects are more encouraging. In aluminum production atomic power would promise a dependable fuel supply, and would make possible advantageous relocation of the producing centers. In the iron and steel industry the use of atomic power may become important if there be successful development of the hydrogen reduction process in the treatment of iron ore. For residential use, nuclear district heating might be feasible in areas having cold winters and a population density of 13,000 or more persons per square mile. At present these

conditions are met in several American cities, including Boston, Buffalo, Chicago, Milwaukee, and New York.

The study includes a survey of conditions in the backward areas of the world, and concludes that atomic power may come into use in countries having rich ore deposits but a lack of energy resources such as coal or hydro-electric power. It is pointed out, however, that in most backward areas the chief limiting factor appears to be, not lack of power, but lack of capital.

The book under review is well organized, careful in the presentation of details, and well documented. It is conservative in its conclusions,—as an exploratory study should be. On the whole is represents an excellent example of productive economic research in a hitherto relatively uncharted field.

Indiana University — James E. Moffit

KENNETH J. ARROW: *Social Choice and Individual Values.* (New York: John Wiley and Sons, Inc., 1951, Pp., 99, $2.50.)

This new Cowles Commission Monograph is an attempt to establish a logical foundation for social welfare judgments. According to the author, social choices in a capitalist democracy can be made by voting, as in political decisions, and in the market, as in economic decisions. In mixed economic systems, more knowledge is needed concerning the procedure for converting a set of known individual choices into a pattern of collective social choice. Arrow, assuming that an individual's choices can be determined by means of a preference scale, proceeds to show through elaborate formulae, based upon symbols of logic, how group concensus can be achieved.

Perhaps it is beyond the scope of his study, but the author does not answer these questions: Who decides the alternative choices which become items in the vector problem? Which method of making social choices, political or economic, shall be given preference? If the political method is used, how is the individual's choice to be expressed—by ballot, poll, or representative government? How can various economic and social sub-groups in the population be assured that their choice will be one alternative in the choice-scale of the larger universe?

With keen perception, Arrow has approached the vital, but complex, problem of achieving welfare judgments in large groups. This highly theoretical study will appeal most to those whose interests center in welfare economics.

Alabama Polytechnic Institute — Robert T. McMillan

PAUL W. WAGER (ED): *County Government Across the Nation.* (Chapel Hill: The University of North Carolina Press, 1950, Pp., 817, $7.50.)

This volume, edited by Paul W. Wager and published under the sponsorship of the Institute for Research in Social Science at the University of

North Carolina, is a case study in county government in the United States. Following a concise introduction in which the editor presents a general view of county government organization and functions and the place of the county in the local government pattern, the individual states are grouped into four regions for purposes of treatment. A brief introductory description of the local government pattern in each region precedes a more detailed study of the governmental organization and functions of one county in each state. As each sate is considered, a brief statement of its scheme of local government is given, including the organization of the state court system. In every state where town or township government is found, one unit of this government is also described. With only one exception, every unit of county or township government pictured in this volume was visited by one of the authors.

These case studies, together with the concise introductory statements, are a most helpful addition to the reading material now available on rural local government. Teachers in this field are ever aware of the scarcity of current general studies in this area of American government. They and their students will be grateful to Professor Wager and his collaborators for the careful planning and investigation that were necessary in the preparation of this most useful volume.

The University of Texas J. Alton Burdine

F. K. BERRIEN: *Comments and Cases on Human Relations.* (New York: Harper and Brothers., 1951, Pp. 500, $4.50.)

This is a competent elementary exposition of the Mayo approach to human relations together with an introdction to the case method of teaching the skills of collaboration. It was, in fact, out of a concern with man's deficiency in the art of communication and collaboration that this book grew.

The author suggests that clarity of communication is obstructed by the insufficiency objectified intensional meanings of the nature of sentiments which can be uncovered only by balancing the relevant cues of the total situation, i.e., through "syncretistic" observation and inference. On the level of social action systems, conflicting group codes and hostile attitudes prevent understanding and action coordination by those within the competing value systems. The ensuing restriction of communication leads to distorted and aitated fantasy, to obsessive thinking, and to hostile prejudices which are relatively unyielding to rational, factual appeals. Reeducating attitudes is thus basically a problem of reshuffling reference group alignments so as to alter the individual's perceptions of what the reference groups with which he identifies himself signify for his value system. This reshuffling can be accomplished most successfully in an atmosphere of free discussion and autonomous acceptance.

It is further suggested that routine social skills essential for competent

role-playing are most easily developed and sustained in a sufficiently stable and integrated system of nonrationally formulated social codes and rituals. These functions to protect persons from the demoralizing effects of rapid change and ensure coordinated behavior by providing a framework within which communication is possible. In the absence of such a stable framework, it is deemed imperative by the author that leaders on all levels develop certain basic social skills which will aid in reconciling conflicting value systems (assuming common ground can be found) and which will at least maximize objectification and clarification of meanings. To this end, skills of syncretistic problem definition, inference on the basis of partial data, role-playing, skillful listening, and value coordination are needed.

Analysis of hypothetical and actual cases involving deficient coordination in human relations is suggested to be of pedagogical value in developing these skills. The case method technique presented follows the Rogers indirect method of counseling in that the function of the discussion leader is not to provide the answers but to draw from the group their perceptions of the consequences of alternative solutions to the cases. Also included are cases which might be used in classroom discussion and suggestions on how the instructor can best handle certain problems likely to arise in the use of this technique.

Arkansas Tech Morris J. Daniels

GILBERT Y. STEINER: *The Congressional Conference Committee: Seventieth to Eightieth Congresses.* (Urbana: University of Illinois Press, 1951, Pp., 185, $3.00.)

This is an excellent study of the use of the conference committee as a means to adjust differences between the United States Senate and House of Representatives which arise when a bill or resolution does not pass both houses in identical form, and neither house is willing to yield to the other. The author has selected for intensive analysis fifty-six pieces of the most significant legislation enacted between the Seventieth and Eightieth Congresses, inclusive, which went through conference. He groups his case studies into ten subject-matter fields, ranging from agricultural to labor and employment legislation.

The basic questions to which Dr. Steiner seeks answers in this study are: (1) How well has the conference committee performed the function of effecting a compromise between conflicting views? (2) To what extent, if at all, have conference committees exceeded the limits of compromise and served as legislative committees? (3) Which house of Congress has been more effective in influencing the final form of legislation? Does the conference device make for irresponsibility in the legislative process?

The author concludes that "the conference committee is both a practical

and satisfactory device" of accommodation. No new method of adjustment is needed. In the fifty-six cases studied he found only three outstanding instances in which conference committees had deleted matter agreed to by both houses or included new matter. These involved the Agricultural Adjustment Act of 1938, the Transportation Act of 1940, and the Surplus Property Act of 1944.

Of major interest to students of Congress is Dr. Steiner's conclusion that the House has been more influential in conference than the Senate. For the period and cases studied, he reports that "the House achieved 57 percent of the victories, the Senate 27 percent, and 16 percent of the cases showed join influence." House influence was predominant in all cases of revenue and appropriation acts studied, while the Senate dominated in broad fiscal policy legislation.

Finally, the author concludes that, while "conference committees have sometimes been reckless, and sometimes have flouted the will of a congressional majority, they have not been a consistently irresponsible 'third house' of Congress."

This is a valuable and useful publication to all students of the legislative process in Congress.

Library of Congress — George B. Galloway

BERNARD O'DONNELL: *The Old Bailey and Its Trials.* (New York: Macmillan Co., 1951, Pp., 226, $3.00.)

This work, by a veteran Fleet Street Crime Reporter, brings us a rambling and informative history of the growth and development of the most famous of English criminal courts. The author enlivens his narrative of the courts evolution by highlighting it with incidents from the more famous and notorious cases which hade been pled before its bar. Emerging from his story is the history of the gradual passage of the administration of criminal justice from surroundings of bribery, corruption and cruelty to the more enlightened practice of the present day. Old Bailey has changed not only physically but also in spirit from the days when juries were attainted for "incorrect verdicts", goal fever was an ever present danger, and public executions were holidays for the London mob. While the book in no sense intended as a scholarly treatise, the author demonstrates a wide acquaintance with the history and literature of his subject. His journalistic and informal styles makes the book pleasant reading and of interest to those who perhaps do not realize that it is a scant hundred years since "equal justice under the law" has triumphed in our criminal procedure and courts.

The University of Texas — H. Malcolm Macdonadl

ALVIN W. GOULDNER (Ed.): *Studies in Leadership, Leadership and Democratic Action,* (New York: Harper and Brothers, 1950, Pp., 736, $5.00.)

Professor Gouldner has collected papers by a large number of sociologists as well as members of related disciplines, partly men and women well known in their respective fields, partly younger men who are just establishing their reputations. Some of these papers are culled from previous publications, some appear here for the first time. To these contributions, the editor has added an introduction and numerous connective discussions by which the unity of the work is demonstrated and the framework established in which each contribution finds its niche.

A leader is defined as an individual "whose behavior results in the channeling of the behavior of others because it is viewed, at least to some degree, as invoking a moral obligation. . . . A leader is not a total personality, but a person who in certain situations emits legitimate group patterning stimuli." He "reinforces or brings about group integration."

While the restriction of the concept of leadership to legitimate leadership is by no means without precedent, it still seems arbitrary, particularly in a book stressing practical aims above all others. Similarly arbitrary is the restriction to the group integrating leader. The individual leading his followers to merge their group into another with a complete loss of identity as for example in the merger of two churches or the person who liquidates a large industrial enterprise in a time of crisis without giving rise to outbreaks of violence or vile tempers is performing no mean feat of leadership. The present definition, however disregards such cases, perhaps due to a still widespread feeling that the maintenance of a group is basically good its termination basically bad. Actually, the contributors did not always feel restricted to the narrow limits of this definition. Sometimes the scope is stretched to include the total field of social control. Thus, one is led to wonder, whether it is really useful to include as widely different phenomena as class status, chain of command in a bureaucracy, and informal leadership among members of small groups into the same concepual framework.

Leadership emerges "as a social problem when individuals possessing a specific frame of reference confront crisis situations with which they feel themselves impotent to deal. This frame of reference emphasizes democracy, individualism, and mastery of the environment." In dealing with this problem, a "frankly partisan" approach is taken. The editor and authors choose "to support democratic values, implementing them with whatever scientific competence can be mustered." It is argued that this stand is in keeping with the vested professional interests of social science which can fully develop only under democratic institutions. Furthermore, social scientists must, and must now, not at some unspecified

later time, be ready "to assume the calculated risks involved in accepting and developing roles as sociological 'consultants' or 'experts'," with a view to immediate "democratic action." In other words, they are to provide leadership or to indicate how it may be procured, maintained, and disposed of.

Whether or not the social problems approach is the most fruitful way to knowledge is an open question. Marriage and parole prediction studies received their impulses from worried and indignant social pathology attitudes among sociologists, but reached their goals only after dropping these and exchanging them for the dispassionate ones of science. That the authors like democracy is laudable. Whether love for democracy, however, is a sufficient substitute for empirically founded knowledge is dubious. Democratic action is necessary now as at all times. Social scientists, using the best available information to guide themselves and their fellows, should engage in it together with all other good citizens. But they should avoid claiming to be experts in the field of leadership or any other field as yet unexplored until they can make good on such a claim. Otherwise they will discredit themselves as well as their science.

The present volume is not the final word in the study of leadership. Neither does it claim to be. It is rich, even abundantly so, in materials and ideas pertaining to the subject. If in spite of the intentions of the editor, it will give rise to research rather than to claims of expertness, his labors will not have been wasted. As a direct guide to action it has little to offer and that little is hard to find. As contribution to theory, some of its articles will be read for many years to come.

University of Arkansas Franz Adler

WILLIAM S. STOKES: *Honduras: An Area Study in Government.* (Madison: University of Wisconsin Press, 1951, Pp., 351, $6.00.)

This study is a valuable addition to a growing series of books on Latin-American government and politics. It merits commendation for the useful information it presents and the subject approach it employs. Many books ostensibly about Latin-American government have veered off into a consideration of personalities, and their authors have found it difficult to stay with a functional and institutional treatment. The present survey of the government of Honduras avoids this common error and proceeds directly to accomplish the objective described in the title.

Professor Stokes has suppressed what must have been, for a Honduran scholar, a strong temptation to wander off into the alluring subjects of bananas, silver, filibusters, O. Henry, and the United Fruit Company. Instead he has traved the country's political evolution through a variety of stages including colonial rule, Central American Federation, independence, *caudillismo*, liberalism, parliamentarianism, republicanism, and

benevolent dictatorship. He has reviewed all fourteen of the country's constitutions and has devoted two chapters to the needed and often neglected factor of legal codes and court organization. Internal administration is described as well as are political parties, elections, and representative institutions.

There are comic opera aspects to any story of Latin-American politics. In 12 years, Ho6nduras has changed chief executives 116 times. When trial by jury was introduced into the country from 1894 to 1906, it proved unworkable because juries were reluctant to punish evaders of government taxes and did not convict a single smuggler in twelve years. A fool-proof electoral scheme to prevent double voting required that each balloter have a finger marked with indelible ink, but the system was threatened when in 1932 an attempt to steal all the indelible ink in the country was almost successful.

Despite these lighter touches, the book is a thorough examination of governmental forces in a little known Central-American nation and it develops several interesting items. Hondurans have a deep, profound appreciation of the dignity of man which they combine with an almost classless society free of social, economic or racial discrimination. Practically all of the country's inhabitants own land and it is possible for a nonlandowner to acquire suitable acreage regardless of financial condition. Even in the structure and functioning of Honduran government there is much to admire.

Anyone writing about current politics in Latin America is almost necessarily influenced positively or negatively by the dominant contemporary personality. If the author has erred in this direction, it has been in favor of General Tiburcia A. Carias, president of Honduras from 1933 to 1949 and still arbiter of its destiny. This possible fault does not detract from the significant contribution which has been made to the neglected fields of objective political analysis of the countries with which the United States shares the Western Hemisphere.

The University of Texas Joe W. Neal

E. GRANT MEADE: *American Military Government in Korea.* (New York: King's Crown Press, Columbia University, 1951, Pp., 281, $3.75.)

This timely analysis, completed just before the outbreak of hostilities last June, scrutinizes the operations of the American military government in Korea during the crucial first year of occupation from 1945 to 1946. As a former civil affairs officer stationed in Chulnam, Dr. Meade selects this important province in southeast Korea,—about the size of Connecticut and with a population of 3,000,000,—as the experimental laboratory for his examination into the administrative, political, economic and social activities of the military government n the entire American Zone.

The author is critical of the extreme centralization which developed after the first year and which he considers incompatible with the basic

aims of America's Korean policy. The setting up of a complex central governmental structure convinced many Koreans that the Americans were adopting Japanese methods and stepping into their shoes.

Dr. Meade is of the opinion that one of the most serious failures of the operation was the loss of much Korean friendship to the United States. In the ideological war between the American and Russian Zones, by disregarding local home rule the American military government missed an opportunity to indoctrinate its prospective recruits for democracy.

Furthermore, the strongly centralized administrative machinery, when placed in Korean hands, gave extensive powers to those who controlled the government agencies, unduly favored the conservatives and neglected to provide for manifestation of the popular will.

The course of events in Korea has brought us an opportunity to rectify past failures. The only choice left to the United States today is to give active and continued political, economic and military support to Korea until the pledge of a "free and independent Korea", pursuant to the Cairo Declaration, is discharged.

Dr. Meade brings to this analysis of the early post-war beginning of the Korean problem not only discernment and well-documented scholarship, but his story also has far more dramatic impact than the austerity of the title might indicate. With Korea in the hourly news and the source of American casualty lists, the book is recommended as required reading to the citizen who would enrigh his background.

Averill Park, N. Y. Sophia A. Olmsted

FRANK AVERILL KNAPP, JR.: *The Life of Sebastian Lerdo de Tejada 1823-1880, A Study in Obscurity and Influence.* (Austin: The University of Texas Press, 1951, Pp., 292, $4.00.)

Professor Knapp's book, a contribution of unusual importance to the general history of Mexico, extricates Lerdo de Tejada from the deep shadow cast by the imposing figure of Juárez and that of the ruthless Díaz. That Juárez should command the support for so long of Lerdo, with his high intellectual attainments, unquestioned integrity, and his first rate executive ability, is silent testimony to the stature of the Indian president; it is also evidence of the high rank that Lerdo must assume in the roster of Mexico's great men.

The book is filled with contributions which will force serious historians to revise their ideas on this formative period of Mexican history. Among the major ones is a study of the Mexican parliament 1861-1863; another is the Nomadic Republic, 1963-1867. But the most brilliant and provocative chapter is that on Lerdo's own administration as president.

Throughout Knapp traces the relationship between Juárez and Lerdo, and concludes undoubtedly correctly that the latter had an unrecognized influence over the thinking of his leader. Again, outstanding is the

excellen analysis of Lerdo's ideas and his contributions to Mexican democracy.

One hesitates to criticise this thoroughly documented and thoughtfully written book. But Knapp in estimating Lerdo's place in history should have lifted his eyes beyond the Diás perior; Porfirist historians are of secondary importance. Having brought Lerdo out of the shadows, Knapp should drop Pp. 266-67 and state instead Lerdo's contribution to the evolution of Mexican democracy. Finally, Knapp should reconsider the third sentence on page 136. Juárez had many opportunities to quit; had Diáz defeated him in 1876, he would not have thrown away thirteen years in exile. Juárez fought under *all* conditions for Mexico. It was precisely his ideas and leadership which Lerdo was glad to support with his great talents.

University of Alabama Alfred B. Thomas

UNESCO: *Contemporary Political Science: A Survey of Methods, Research and Teaching.* (New York: Columbia University Press, 1950, Pp., 714, $5.00.)

This study, published under the auspices of UNESCO, is divided into two parts. Part One consists of a series of essays by various authors on the object and methodology of Political Science in some twenty one countries. Part Two is devoted to a discussion of Political Institutions, Parties, Groups and Public Opinion, International Relations and the Organization of Teaching and Research. The work thus provides a general evaluation of the work and methods of leading political scientists in the major countries of the world. Traditions and trends in research methods and teaching are discussed and, in most instances, critical evaluations are included. Witten in all cases by distinguished authorities in the field, many of them appearing for the first time in English translation, the essays collectively form a source of compact and useful information not heretofor available to American scholars. This compulation is by far the most useful yet published by UNESCO and deserves a place in the library of all persons interested in Political Science. It is to be hoped that UNESCO will extend its labors into the related fields of social science, especially Economics, History, Sociology and Jurisprudence where similar reference works are badly wanted.

The University of Texas H. Malcolm Macdonald

JOHN LEONARD FULMER: *Agricultural Progress in the Cotton Belt Since 1920.* (Chapel Hill: University of North Carolina Press, Pp., 259, $3.50.)

Professor Fulmer's book, as the title and the preface suggests, is an inventory of Southern agricutural development since 1920. This inventory is set forth in eight chapters treating, in the main, the following subjects: Trends in Cotton Belt agriculture; regional changes in the Cotton Belt involving farm organization, the growth of mechanization,

progress in the mechanical harvesting of cotton; dynamic forces affecting Southern agriculture including urbanization, farm population changes, changes in numbers of work stock, soil conservation; and shifts in farm income. There is also a summary chapter in which the most pertinent facts described in the body of the book are brought together for special emphasis. To support the exposition of these various subjects a fairly elaborate statistical appendix is included.

The chief value of the book as this reviewer sees it, is the concentrated coverage of a subject extending over a wide scope and involving the compilation and shifting of a mass of detailed descriptive material regarding Southern agricultural events during the period since 1920. Another commendable feature is the ease with which the book can be read in spite of the abundance of figures woven into the exposition.

Several ways in which it will likely be disappointing to the student of Southern agriculture could be mentioned, however. In the first place, it does not represent more than an abridged historical inventory; therefore, it contains little that is new. In the second place, this reader wished for less simple description and more fundamental analysis. In the third place, the reviewer acquired the impression that the conclusions were largely restatements of general platitudinous preachments that lack precise meaning and which were not well supported by the research referred to or in some cases by the statistics included in the book. This impression came from the general inference through the book that to diversify and especially to produce feed and livestock improves "farm balance". Also, from the statement that "the large acreage of cotton taken out of cultivation" was perhops the outstanding cause of improved "farm balance". Yet, it shows that with increased diversification, increased size of farms, increased mechanization, increased urbanization, and decreased cotton acreage, the farmers of the ten cotton states received a progressively lower per capita income compared with those of the 38 non-cotton states in the period 1924 to 1947. One is left to wonder what is improved "farm balance". This paradoxical situation and other apparent inconsistencies should perhaps stimulate researchers who read the book to try to determine what constitutes desirable farm balance.

Aside from such discrepancies, the book should be useful as a chronology of agricultural events in the South during the period it covers.

Oklahoma A and M College Peter Nelson

ALFRED DE GRAZIA: *Public and Republic, Political Representation in America.* (New York: Alfred A. Knopf, 1951, Pp., 262, $3.50.)

Public and Republic, except for an introductory chapter and a second chapter entitled "English Ideas in Colonial Times," is devoted to a review of the theories and institutions of representation in America from the first settlements to the present. The author states at the start that "There are a number of ways of representing and being represented. These

different ways vary from time to time both in form and in significance. . . . Representation is primarily a frame of mind, reflecting a process of social communication that often changes in important respects without disturbing the outward appearance of political institutions." Attention in the past, he believes, has been centered on the particular and more formal and mechanical problems of the suffrage and voting systems. Closely connected is the problem of "what relationship should exist between a representative and his constituents?" This and "many other issues of representation have been slighted or ignored by writers." He proposes, therefore, to suggest some of the gaps in our study of representation.

Varying forms of representation, we are reminded, have existed in the past and have not been confined to parliaments or representative assemblies. Representation by sample is to be found in juries, the law of agency embodies a form of representation; but in America and as later developments, representation has assumed such forms as the constitutional executive, the representative party convention, the political bass, pressure groups and the lobby. More recently have come still newer experiments in which the author describes as "corporatism" or "integrated pluralism." Here he cites such examples as the National Economic Council of 1941, the code authorities of the N.R.A., the use of referenda under certain acts of Congress controlling cotton, tobacco and agriculture, and the President's Council of Economic Advisors created by the Ful Employment Act of 1946. The delegation of quasi-legislative powers to administrative agencies and the representatio nof interests on administrative boards and provision for consultative groups and procedures in connection with the formulation and amendment of administrative policies are also included.

While due attention is thus given to the infinite variety of forms which representation may assume in government and politics, the main emphasis is upon the changing concepts of parliamentary or legislative representation. The original theory of parliamentary representation in England, it is pointed out, was that of agency for the local community or constituency. This gave way in the 16th, 17th and 18th centuries to the theory that Parliament was a body "virtually" representing the whole nation, although the ideas of the Levellers, Harrington, Locke and Sidney revived without much effect the older conception of agency and the strict accountability of the representative to his constituency organized on the basis of population more than of interest, which was resurrected again the late 18th and 19th centuries by the Radicals and Parliamentary reformers.

In colonial and revolutionar America, however, the levelling, more literal and less virtual theory of representation made steady progress and was a contributing factor to the debate on representation leading to the

Revolution. A more equitable apportionment of representatives, residence requirements and the instruction of representatives had bcome deep-rooted in America. Following the Revolution came new conflicting problems of place, interest, and populational representation. The latter in the main won out with the coming of democracy, which, coupled with the growing economic complexity, brought with it the newer spontaneous forms and varieties of representation alluded to above. Withal, however, the locality, the section and the special interest have loomed large and hav overshadowed the good of the whole in American conception of legislative and other forms of representation. The plea of the writer is that there is room for all forms and types of repreentation and for considerable experimentation within our complex system. Therefore, representation is a subject which calls for more careful investigation by the student of government and politics with a view to attaining a greater variety and a more realistic adjustment of the mechanisms and spirit of representation to the needs of our democratic political life.

The University of Texas O. Douglas Weeks

WALTER C. O'KANE: *Sun in the Sky*. (Norman: The University of Oklahoma Press, 1950, Pp., 261, $4.00.)

Sun in the Sky is another addition to the ever-growing literature on the Hopi Indians of northern Arizona. The author, Walter Collins O'Kane, entomologist and writer on subjects ranging from children's stories through exploration and ethnology, here records his observations gathered during many visits to the Hopi villages. The title reflects the vital role of the sun in the daily lives of the people—in the growing of their crops, in drying roads and trails after torrential rains, and as a dominant theme in their ceremonies and mythology.

Written in a brisk narrative style which occasionally becomes weighted down with ethnological detail, *Sun in the Sky* recounts the familiar story of the well-ordered Hopi way of life. Scraps drawn from dozens of conversations with Hopis of all ages and abundant anecdotes of personal experiences enliven the account. Unfortunately, the majority of these refer to Moenkopi, the least aboriginal of the Hopi villages. After relating the circumstances of his first hesitant visit to an Indian household —an event which aroused his sympathetic interest in the people—O'Kane proceeds to give a detailed description and interpretation of Hopi Indians and their culture. Their land, farming, houses, cookery, dress, arts and crafts, legends and rituals, as well as their personal traits and ways of thinking are recorded. The entry of the white man into their remote world and their "contribution" are commented upon in the concluding chapters. An appendix explains design symbolism; another is a guide to the pronunciation of native words. The book is well supplied with over eighty good, though not exciting, photographs.

The description of the life of these isolated plateau dwellers is impressionistic, often naive, in the uncritical ecceptance of native testimany, and frequently inaccurate. The author's contacts with the Hopi, thoguh apparently numerous, were too brief and superficial to permit a full understanding of the people and culture. His obvious enthusiasm for the Hopi leads him to exaggerate their virtues and achievements. The average reader will soon tire of his over-frequent use of "my friend" or "my acquaintance" in referring to individual villagers. The social scientist will resent his confusing of the biological and cultural in speaking of the Hopi's "innate sense of symmetry," "instinctive appreciation of beauty," and "trading instinct." The specialist on Hopi culture will be outraged by the misconceptions and errors and by the failure to distinguish between aboriginal and introduced traits.

Sun in the Sky is neither a penetrating nor an accurate portrayal of Hopi life. It does indicate what can be seen when visiting a Hopi pueblo but anyone seeking a real insight into the behavior of these interesting people and their intricate culture will not find it in this publication.

University of Southern California William James Wallace

GLEB STRUVE: *Soviet Russian Literature 1917-1950.* (Norman: University of Oklahoma Press, 1951, Pp., 414, $5.00.)

Mr. Struve stands in unparalleled relation to his subject. It would be creditable enough, in another writer, that he had spent half a lifetime of exile in patient, far-ranging efforts to gather elusive data for his work, and that had never allowed his natural bias to blur his vision of literary values. But for the work itself, done in a foreign tongue and without benefit of many important biographical and bibliographical documents, to become the classic in the field, not only (Soviet censorship being what it is) more detailed but more orderly and perspicuous than anything Soviet scholars dare to publish, is an achievement to marvel at. Imagine, to appreciate it, the reverse situation: having to go to Russia for the authoritative, the indispensable history of American literature.

Though indispensable, indeed, from the start, Mr. Struve's work was not always an effective composition. The first edition (1935) was jerry-built from lecture notes the author was using in the University of London. For long stretches little more than necessary but dull synopses, it lacked design and movement. A second edition (1944) was only a reprint with an epilogue added to bring the account up through the brightening war year of 1943. But the present, third edition, in the handsome printing and format of the University of Oklahoma Press, is an entirely new book, doubled in size (as in index and bibliography) and responsively shaped to the subject. Apart from its scholarly value, it is now a fascinating story in which the general reader can find mystery, pity, and terror: the

ingenious solution of the puzzle "Socialist Realism"; the tragic fate of indomitable spirits like the novelist Yury Olesha; and the steadily increasing pulse-beat of anti-American feeling in post-war Soviet writing.

The University of Texas Robert C. Stephenson

ABBA P. LERNER: *Economics of Employment.* (New York: McGraw-Hill Co., 1951, Pp., 397, $4.00.)

In this era of what Randolph Bourne would call an "Age of Hysteria," when the emphais is on conformity, either to the extreme Left or to the extreme Right, it is frequently forgotten that there are not just two sides to every question, but at least three. Besides the Left and Right there is a rather broad avenue right down the Center. Professor Harris recognized this Left-Right cleavage when, in Sweezy's, *Socialism*, he apologized for printing a book by an avowed socialist and promised a volume which would extol the virtues of Capitalism, but he did not indicate the existence of a "Middle Way."

Professor Lerner has given us a concise statement and stimulating defense of a "Middle Way" in economic theory and practice. It is a solution which he fervently believes, if adopted, will enable the United States to steer clear of the well-known "Scylla and Charybdis," and one cannot help but believe that in this "Transition Period" of world history, Lerner may well have the best of the argument. The theoretical basis for Lerner's solution is, of course, Keynes' *General Theory*. The physicists have said that the next generation will not find the theory of Relativity so difficult because they will have been brought up on it. Lerner evidently feels that soon there will be a generation brought up on Keynesian economics; therefore there is little need for a detailed explanation of the intricacies of the theory. His description of the Keynesian theory is, therefore, simple and straightforward, and leaves many questions unanswered, which the carping critics of Keynes can sieze upon as the basis for another journal article.

Professor Lerner correctly discerns that the most pressing problem is to get the policies which stem from the Keynesian theory—policies which he subsumes under the term Functional Finance—adopted. This is a political and an educational problem. It involves insuring that "Nature doth contrive to make every little child born alive a little Functional Financier;" therefore the major portion of this book is devoted to explaining, in simple and clear terms, the important features of Functional Finance; to answering criticisms of the concept that stem from the Left, Right, and the rest of the Center; and to dispelling, and, it seems to me, most effectively, the fears that stem fro mignorance and the resistance of human nature to new ideas.

The reviewer would like to offer two minor criticisms. First, it seems to me that Lerner somewhat misrepresents the Left criticism of Keynes and Functional Finance, and also overestimates the importance

of its influence in opposing the adoption of Functional Finance policies in the United States. Second, I wish he had not dedicated the book to the Von Mises' and the Harold Laskis of the world, whose "intellectual arteries" have already been hardened, but to my college freshman who recently wrote on a final exam in American Economic History: "I am not in favor of TVA because it is government controlled and another form of Socialism which is slowly griping *(sic)* the United States and can sell electricity at a price which is lower than the Alabama Power can sell it," and who might really be influenced by Lerner's lucid arguments if the books were used as supplementary reading in the Elementary Economics course.

University of Alabama Ernest F. Patterson

Other Books Received

Cook, Franklin H.: *Principles of Business and the Federal Law.* New York: Macmillan Company, 1951, Pp., 563, $5.50.)

Darrah, William C.: *Powell of the Colorado.* (Princeton, N. J.: Princeton University Press, 1951, Pp., 426, $6.00.)

Field, G. Lowell: *Government in Modern Society.* (New York: McGraw-Hill Co., 1951, Pp. 554, $4.50.)

Fischer, Louis: *The Soviet in World Affairs.* 1917-1929, 2 Volumes (Princeton, N. J.: Princeton University Press, 1951, Pp., 892, $10.00.)

Gist, Noel P. (ed.): *Missouri, Its Resources, People and Institutions.* (Columbia, Missouri: Curators of the University of Missouri, 1950, Pp., 601, N.P.)

Gurian, William (ed.): *The Soviet Union: A Symposium.* (Notre Dame, Indiana: University of Notre Dame Press, 1951, Pp., 216, $3.50.)

Hilton, O. A.: *The Minnesota Commission of Public Safety in World War I 1917-1919.* (Stillwater, Oklahoma: Oklahoma A&M College, 1951, Pp., 44, NP.)

Holborn, Hajo: *The Political Collapse of Europe.* (New York: Alfred A. Knopf, 1951, Pp. 162, $1.85.)

Johnson, Claudius O.: *Government in the United States.* 5th Ed. (New York: Thomas Y. Crowell Company, 1951, Pp., 1064, $5.00.)

Locke, H. J.: *Predicting Audjustment in Marriage.* (New York: Henry Holt Company, 1951, Pp., 392, $3.50.)

Miller, Glenn W.: *Problems of Labor.* (New York: Macmillan Company, 1951, Pp., 560, $5.00.)

Moshlman, Conrad H.: *The Wall of Separation Between Church and State.* (Boston: Beacon Press, 1951, Pp., 239, $3.00.)

Salvador, Massimo: *Italy.* (New York: Foreign Policy Association, 1951, Pp., 62, $0.35.)

Spiegel, Henry W.: *Introduction to Economics.* (New York: Blakiston Company, 1951, Pp., 605, $5.00.)

State of New York: *A Guide for the Development of Standards and the Curriculum in Physical Education.* (New York: University of State of New York, 1951, Pp., 31, NP.)

Sticker, W. H.: *Organization and Administration of General Education.* (DuBuque, Iowa: William C. Brown Company, 1951, $4.00.)

Sticker, W. H. and Associates: *General Education: A University Program in Action.* (DuBuque, Iowa: William C. Brown Company, 1951, $3.25.)

Syracuse University: *Attitudes of Scientists and Engineers About Their Government Employment.* Vol. I. (Syracuse: Maxwell School of Citizenship and Public Affairs, 1950, Pp., 223, NP.)

Trecker, H. B.: *Group Process in Administration.* (New York: The Woman's Press, 1950, Pp., 330, $4.50.)

University of New Mexico: *New Mexico: Directory of Towns Basic Economic Data.* (Albuquerque, New Mexico: Bureau of Business Research, 1950, Pp., 71, $0.50.)

Volkart, E. T. (ed).: *Social Behavior and Personality.* (New York: Social Science Research Council, 1951, Pp., 338, $3.00.)

News Notes

The Department of Government of North Texas State College announces the addition to its staff of Miss Dorothy Fields, who taught last year at the Maxwell School of Citizenship, Syracuse University. Miss Mary Evelyn Blagg, of the same department, will be an assistant in the Political Science department of Duke University during the current year. Mr. Antonio Garcia, also of North Texas State College, has been appointed assistant professor of air science, University of Southern California.

Mr. William H. Alexander, Assistant Economist in the Department of Agricultural Economics at the University of Louisiana, has been granted a sabbatical leave to do graduate work at the University of Illinois. Mr. Bill Bolton and Mr. Roane Hathorn were appointed Research Associates in the Department effective August 1, 1951. Mr. Bolton will do research in farm management and Mr. Hathorn will work on a new rice storage project.

Mr. John L. Wortham, Assistant Professor of Economics at Texas Christian University, is on leave this academic year to complete work for the doctorate at the University of Texas.

The Department of Government, University of Oklahoma, announces the appointment of Mr. John Eriksen and Mr. Walter Scheffer to the rank of instructor. Mr. Eriksen is completing his graduate work at the University of Minnesota and Mr. Scheffer at the University of Wisconsin.

They replace Assistant Professors H. O. Waldby and Malcolm Parsons, who have accepted appointments at Florida State University.

The Department of Geography, A. and M. College of Texas, has appointed Mr. Richard B. Davis to the rank of instructor. Mr. Donald I. Eidemiller, of the same department, served as assistant director of the Audubon Society camp at Kerrville during the summer. Plans are underway in the department to establish a complete weather station for instructional purposes.

The Department of Government, Louisaina State University, announces leaves of absence granted to Professors Peter J. Fliess and Andrew Gyorgy. Professor Fliess will study the substance of course offerings in international law and relations in various eastern universities under a Ford Fellowship, spending most of his time at Harvard; Professor Gyorgy will fill a research appointment at Yale. Professors Kimbrough Owen and Emmett Asseff, of the same department, have been given part-time leaves to join the staff of the Public Affairs Research Council of Louisiana. The department has appointed Dr. Henry L. Mason as assistant professor of government, teaching in the fields of international law and relations and comparative government.

The Department of Agricultural Economics and Sociology, A. and M. College of Texas, reports several summer research activities. Dr. R. L. Skrabanek has completed work on a project concerned with the effects of new legislation on rural elementary and highschool curricula, attendance, and levels of teacher training; Professor Daniel Russell served as 4-H Club specialist with the Texas Extension Service; Professor Dan R. Davis worked under a fellowship with the college-business exchange program sponsored by the Foundation for Economic Education, assigned to the Business Men's Assurance Company of America at Kansas City. The same department announces the award of a research assistantship to Mr. William G. Adkins, who will assist Dr. Joe R. Motheral in the departmental research program on land economics. Dr. Tyrus R. Timm, of the department, is serving as a member of the National Agricultural Policy Committee, under the sponsorship of the Farm Foundation. Mr. C. A. Bonnen, also of the department, is general chairman of the committee which is preparing the Texas portion of the national survey of productive capacity. Mr. L. S. Paine represented the department this year at the Fourth Annual Symposium on the Grain Trade held in Chicago, September 6 and .7